FEDERAL REGISTER

VOLUME 11 NUMBER 83

Washington, Saturday, April 27, 1946

The President

EXECUTIVE ORDER 9717

DIRECTING THE EMERGENCY BOARD CREATED BY EXECUTIVE ORDER 9716 OF APRIL 24, 1946 TO INVESTIGATE A DISPUTE BETWEEN THE RAILWAY EXPRESS AGENCY, INC., AND CERTAIN OF ITS EMPLOYEES, ALSO TO INVESTIGATE DISPUTES BETWEEN THE AGENCY AND CERTAIN OTHER OF ITS EMPLOYEES

WHEREAS disputes exist between the Railway Express Agency, Inc., a carrier, and certain of its employees represented by the International Association of Machinists and the International Brotherhood of Blacksmiths, Drop Forgers and Helpers; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive a large section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), the board created by Executive Order 9716 of April 24, 1946 to investigate the dispute between the Railway Express Agency, Inc., and certain of its employees represented by the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, a labor organization, is hereby further directed to investigate and to include in its report to the President its findings with respect to the disputes which also exist between the Railway Express Agency, Inc., and certain of its employees represented by the International Association of Machinists and the International Brotherhood of Blacksmiths, Drop Forgers and Helpers.

As provided by section 10 of the Railway Labor Act, as amended, from April 24, 1946 and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Railway Express Agency, Inc. or the said employees in the conditions out of which the said disputes arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 25, 1946.

[F. R. Doc. 46-6997; Filed, Apr. 25, 1946; 3:43 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 75, Amdt. 23]

PART 1410—LIVESTOCK AND MEATS

SLAUGHTER OF LIVESTOCK AND DISTRIBUTION OF MEAT

War Food Order No. 75, as amended (10 F.R. 4649, 7383), is hereby further amended to read as follows:

§ 1410.15 *Slaughter of livestock and distribution of meat*—(a) *Definitions.* (1) "Livestock" means cattle, calves, sheep, lambs, and swine.

(2) "Meat" means the carcasses of livestock, including beef, veal, lamb, mutton, or pork derived therefrom, and any processed or unprocessed edible part, cut, or trimming, regardless of how prepared or packaged; excluding, however, scrapple, souse, and other similar products, offal, by-products not ordinarily used for human consumption, and skins of swine when prepared for use in leather, glue, and gelatin.

(3) "Slaughterer" means any person who kills livestock for meat production or who causes livestock to be killed for meat production.

(4) "Federally inspected slaughterer" means any slaughterer whose plant is operated under Federal inspection.

(5) "Federally inspected plant" means any slaughtering plant operated under Federal inspection.

(6) "Federal inspection" means inspection under the provisions of the act of March 4, 1907 (34 Stat. 1260), as amended, 21 U. S. C. 71, and as extended by Public Law 602, 77th Cong., 2d Sess., approved June 10, 1942 (56 Stat.

(Continued on p. 4643)

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THE PRESIDENT

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

[1] See E.O. 9717.

CODIFICATION GUIDE—Continued

351), and the rules and regulations promulgated thereunder.

(7) "Farmer" means any person chiefly engaged in producing agricultural products as the resident operator of a farm.

(8) "Deliver" or "delivery" means to transfer physical possession. The transfer of meat by a slaughterer to a unit or department of his establishment for use in the preparation or manufacture of any product other than meat, the use of meat for such purpose without any such transfer, or the transfer or shipment of meat to any branch house of a slaughterer, shall constitute a delivery. The placing of meat in a public warehouse solely for the purpose of storage shall not be deemed a delivery, but the withdrawal of such meat from such warehouse by any person other than such slaughterer shall be deemed a delivery.

(9) "Processor" means any person who is regularly engaged in the business of processing, preparing, or treating meat, meat products, or animal fats.

(10) "Custom slaughter" means the killing of livestock by any person other than the owner thereof, for the purpose of meat production.

(11) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(12) "Assistant Administrator" means the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture.

(b) *Support prices.* (1) All slaughterers except farmers shall pay for good to choice butcher hogs (barrows and gilts), not less than the following support prices:

(i) Chicago market, $13.00 per hundredweight.

(ii) At terminal markets other than Chicago and at interior markets and buying stations, $1.75 per hundredweight below the maximum price in effect at such market or buying station on November 15, 1944 under regulations of the Office of Price Administration.

(2) For hogs which produce soft or oily pork, applicable support prices may be reduced by the amount of the normal discount at the market. The discount for hogs which produce oily pork shall not exceed $1.50 per hundredweight, and the discount for hogs which produce soft pork shall reflect not less than the normal difference between such discounts. Unless purchased "subject to kill," not less than the applicable support price shall be paid in all cases where a certificate is furnished by any county agent, vocational agricultural representative, or person acting in a similar capacity, to the effect that the hogs have been raised and fed in accordance with a production and feeding program that will insure firm pork.

(c) *Slaughtering limitations.* All Federally inspected slaughterers and all persons who have livestock custom slaughtered for them in Federally inspected plants shall comply with orders of the Assistant Administrator with respect to limitations on the slaughter of livestock. The Assistant Administrator is authorized to establish base periods against which such limitations shall be calculated, and to establish geographical area differentials with respect to such limitations.

(d) *Allocation; processing regulations; inventories.* (1) All slaughterers, all processors, and all persons who custom slaughter shall compl with orders of the Assistant Administrator regulating the delivery, receipt, or movement of livestock.

(2) All slaughterers, all processors, and all persons who custom slaughter shall comply with orders of the Assistant Administrator prescribing methods and specifications for preparing, cutting, or treating carcasses or parts thereof, or for preparing or processing meat, meat products, or animal fats.

(3) All slaughterers and all processors shall comply with orders of the Assistant Administrator governing quantities and types of meat, meat products, or animal fats held in storage or inventory; and all other persons dealing in meat shall (except with respect to their retail operations) comply with such orders of the Assistant Administrator: *Provided, however,* That the issuance thereof shall be approved by the Office of Price Administration.

(e) *Set-aside requirements.* All slaughterers except farmers, and all processors whose plants are operated under Federal inspection shall comply with orders of the Assistant Administrator requiring the setting aside, reserving, holding, processing, and packaging of meat, meat products, and animal fats for delivery to such persons or agencies as the Assistant Administrator may prescribe.

(f) *Meat inspection.* All slaughterers except farmers shall comply with orders of the Assistant Administrator requiring inspection, by persons designated for that purpose, of their premises and plants, and any livestock, carcasses, meat, meat products, or animal fats, for the purpose of determining whether the meat, meat products, and animal fats produced in such plants are sound, healthful, and fit for human consumption.

(g) *Sanitary facilities; conservation facilities.* All slaughterers and all persons who custom slaughter shall maintain such sanitary and conservation facilities as the Assistant Administrator may prescribe.

(h) *Records and reports.* (1) The Assistant Administrator shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every person subject to this order shall, for at least two years or for such period of time as the Assistant Administrator may designate, maintain an accurate record of his production of and transactions in livestock, meat, meat products, and animal fats.

(i) *Existing contracts.* The restrictions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(j) *Audits and inspections.* The Assistant Administrator shall be entitled to make such audits or inspections of the books, records and other writings, premises, livestock, meat, meat products, and animal fats, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Assistant Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Assistant Administrator. After said review, the Assistant Administrator may take such action as he deems appropriate, which action shall be final.

(l) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, delivering, or using livestock, meat, meat products, or animal fats. Any person

who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

Any person who violates any slaughtering limitation established by the Assistant Administrator under the provisions of this order shall, upon certification to the Reconstruction Finance Corporation in accordance with the Directive No. 41 of the Office of Economic Stabilization, be subject to the withholding of Reconstruction Finance Corporation basic meat subsidies claimed by such person.

(m) *Delegation of authority.* The Administration of this order and the powers vested in the Secretary of Agriculture insofar as such powers relate to the administration of this order, are hereby delegated to the Assistant Administrator. The Assistant Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 75, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(o) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(p) This amendment shall become effective at 12:01 a. m., e. s. t., April 28, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087.)

Issued this 25th day of April 1946.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-6998; Filed, Apr. 25, 1946; 4:00 p. m.]

[WFO 75-7]

PART 1410—LIVESTOCK AND MEATS

LIVESTOCK SLAUGHTER RESTRICTIONS

Pursuant to the authority vested in me by War Food Order No. 75, as amended (11 F.R. 4649), it is hereby ordered as follows:

§ 1410.32 *Restrictions on the slaughter of livestock*—(a) *Definitions.* (1) "Livestock" means cattle, calves, and swine.

(2) "Slaughterer" means any person who kills livestock for meat production or who causes livestock to be killed for meat production.

(3) "Federally inspected slaughterer" means any slaughterer whose plant is operated under Federal inspection.

(4) "Federally inspected plant" means any slaughtering plant operated under Federal inspection.

(5) "Federal inspection" means inspection under the provisions of the Act of March 4, 1907, (34 Stat. 1260), as amended, 21 U. S. C. 71, and as extended by Public Law 602, 77th Cong., 2d Sess., approved June 10, 1942 (56 Stat. 351), and the rules and regulations promulgated thereunder.

(6) "Farmer" means any person chiefly engaged in producing agricultural products as the resident operator of a farm.

(7) "Custom slaughter" means the killing of livestock by any person other than the owner thereof, for the purpose of meat production.

(8) "Accounting period" means:

(i) In the case of a slaughterer who files a claim for the Reconstruction Finance Corporation basic meat subsidy, the calendar period, as set forth in such claim, upon which the subsidy is calculated;

(ii) In the case of a slaughterer who does not claim the Reconstruction Finance Corporation basic meat subsidy, any calendar period of not less than four nor more than five weeks used by such slaughterer as a basis for keeping his books and records.

(9) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(10) "Assistant Administrator" means the Assistant Administrator, Production and Marketing Administration.

(b) *Restrictions on slaughter.* (1) All slaughtering restrictions contained in this order shall be calculated on the basis of live weight.

(2) No owner or operator of a Federally inspected plant shall, during any accounting period, slaughter or permit the slaughter within such plant of cattle, calves or swine, in excess of the following percentages of cattle, calves or swine, respectively, slaughtered in such plant during the corresponding accounting period of 1944:

Type of livestock:	*Percentage*
Cattle	100
Calves	100
Swine	80

(3) No owner or operator of a Federally inspected plant shall, during any accounting period, slaughter or permit the slaughter in any plant for his own account, of cattle, calves, or swine, in excess of the following percentages of cattle, calves or swine, respectively, slaughtered in such plant for the account of such owner or operator during the corresponding accounting period of 1944:

Type of livestock:	*Percentage*
Cattle	100
Calves	100
Swine	80

(4) No owner or operator of a Federally inspected plant shall custom slaughter livestock or permit the use of his facilities for that purpose, unless the person for whose account such slaughter is performed exhibits evidence of a valid and effective custom slaughter base established under the provisions of this order.

(c) *Custom slaughter.* (1) Except as hereinafter otherwise provided, no person shall have livestock custom slaughtered for his account in a Federally inspected plant unless he has established and has had issued to him evidence of a custom slaughter base under the provisions of this order.

(2) No person who has livestock custom slaughtered for him in a Federally inspected plant shall, during any accounting period, slaughter or permit the slaughter, for his account, of cattle, calves or swine, in excess of the following percentages of cattle, calves or swine established for such person as a custom slaughter base under the provisions of this order:

Type of livestock:	*Percentage*
Cattle	100
Calves	100
Swine	80

(3) Any person who, on or before September 9, 1945, was regularly engaged in the business of having livestock custom slaughtered for him in a Federally inspected plant may apply to the Order Administrator for a custom slaughter base. Where such applicant had livestock custom slaughtered for him in a Federally inspected plant during a particular accounting period of 1944, the custom slaughter base shall be the amount (live weight) of cattle, calves or swine, respectively, so slaughtered for such person during such period. Where such applicant did not have livestock custom slaughtered for him in a Federally inspected plant during any particular accounting period of 1944, the Order Administrator may establish an amount which shall represent the custom slaughter base for such period. Where an applicant who was regularly engaged in the business of having livestock custom slaughtered for him in a Federally inspected plant on or before September 9, 1945, did not have livestock so slaughtered for him during a particular accounting period of 1944, he may, if regularly engaged in such business as of the effective date of this order, continue to have livestock so slaughtered for him until June 1, 1946, provided that, on or before May 11, 1946, such person files an application with the Order Administrator for the establishment of a custom slaughter base under the provisions of this order. Such application shall show the total amount (live weight) of each species of livestock slaughtered for the applicant during each accounting period covering the time when he was engaged in such business, and the name and address of the plant or plants in which such livestock was custom slaughtered for him.

(d) *Slaughtering restrictions immediately applicable.* The amount of cattle, calves and swine which may be slaughtered from the effective date of this order to the beginning of the next succeeding accounting period shall be calculated by applying the above per-

centages against the amount of cattle, calves and swine slaughtered during the time covered by the corresponding dates in 1944.

(e) *Slaughter in excess of permitted amount.* The slaughter of livestock by any person during any period in excess of the amount permitted to be slaughtered during such period under the provisions of this order shall be charged against the amount permitted to be slaughtered during any subsequent accounting period, and in addition thereto shall subject such slaughterer to such other actions, penalties, or proceedings as may be prescribed by law or imposed pursuant to this order.

(f) *Exemptions.* The slaughtering restrictions of this order shall not apply to the slaughter of livestock by a farmer or for his account, for the purpose of the production of meat for such farmer's own use.

(g) *Records and reports.* (1) Every Federally inspected slaughterer and every person who has livestock slaughtered for him in a Federally inspected plant shall, within 10 days after the end of each monthly accounting period, execute and mail a report on such form as the Order Administrator may prescribe, showing his production of meat, including live weight and dressed weight, during such monthly accounting period.

(2) The Assistant Administrator shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Existing contracts.* The restrictions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(i) *Violations.* (1) Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using livestock, meat, meat products, or animal fats. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(2) Any person who violates any slaughtering restriction established under the provisions of this order shall, upon certification to the Reconstruction Finance Corporation in accordance with Directive No. 41 of the Office of Economic Stabilization be subject to the withholding by the Reconstruction Finance Corporation of any basic meat subsidy claimed by such person.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Assistant Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Assistant Administrator. After said review, the Assistant Administrator may take such action as he deems appropriate, which action shall be final.

(k) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(l) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise herein provided, be addressed to the Order Administrator, War Food Order No. 75–7, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(m) *Effective date.* This order shall become effective at 12:01 a. m., e. s. t., April 28, 1946.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 25th day of April 1946.

G. T. PEYTON,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 46-6999; Filed, Apr. 25, 1946; 4:00 p. m.]

[WFO 133, as Amended, Termination]

PART 1405—FRUITS AND VEGETABLES

RED SOUR CHERRIES OF THE 1945 CROP

War Food Order No. 133, as amended (10 F.R. 7440, 10419), is hereby terminated effective as of 12:01 a. m., e. s. t., April 29, 1946, and all red sour cherries which have been set aside pursuant to the provisions of the said War Food Order No. 133, as amended, and not released heretofore, and which are not sold or contracted to be sold to a Government agency (as defined in the said order) at the effective time of this termination action are, at the effective time of this termination action, released from all restrictions of the said War Food Order No. 133, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under the said War Food Order No. 133, as amended, prior to the effective time of this termination action, all provisions of the said War Food Order No. 133, as amended, in effect prior to the effective time of this termination action shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087)

Issued this 26th day of April 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-7020; Filed, Apr. 26, 1946; 11:19 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

SUBPART A—TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

Corrected Reprint

Sec.

AUTHORITY: §§ 295.1 to 295.29, inclusive, issued under sec. 32, 49 Stat. 774, as amended, 7 U.S.C. and Sup., 612c; sec. 21 (c), 58 Stat. 776, 50 U.S.C., App. Sup., 1630 (c).

§ 295.1 *General statement.* Subject to the terms and conditions stated in this subpart and in order to encourage the exportation of lint cotton grown in the United States, Commodity Credit Corporation, pursuant to the provisions of section 21 (c) of the Surplus Property Act of 1944, offers to dispose of cotton for export, and, in cases where cotton is not purchased from the Corporation, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to exporters.

§ 295.2 *Catalog.* The cotton available for purchase under this subpart will be listed by the Corporation in a catalog showing by warehouse locations the grades and staple lengths of such cotton. Irrigated growths will be designated. This catalog will be furnished at $10.00 per copy by the New Orleans Office of the Cotton Branch of the Production and Marketing Administration, United States Department of Agriculture. The cotton listed in the catalog will be from the

1934, 1937, 1941, 1942, 1943, 1944, and 1945 crops. Any qualities of cotton which are determined by the Corporation to be in short supply may be withdrawn from sale at any time by public announcement by the Corporation.

§ 295.3 *Eligibility to make purchases from the Corporation's stocks against registered sales.* If an exporter agrees to sell a quantity of lint cotton grown in the continental United States to a foreign purchaser for export to an approved country and the sale is registered as provided in § 295.9, the exporter may purchase from the Corporation, at a price computed in accordance with § 295.5, a quantity of cotton equal to the number of pounds of cotton (gross unpatched weight) exported, or (in case the Corporation sells cotton in reliance on the exporter's bond) to be exported, in fulfillment of such sale, subject to the following additional conditions:

(a) The exporter must have submitted to the New Orleans Office either (1) satisfactory evidence (as provided in § 295.10) of the exportation of cotton by the exporter in fulfillment of the export sale prior to July 1, 1947, or (2) a bond meeting the requirements of § 295.11, conditioned upon the submission of satisfactory evidence of exportation of cotton by the exporter in fulfillment of the export sale prior to July 1, 1947; and

(b) The New Orleans Office must have received from the exporter, not later than 90 days after the New Orleans Office receives notice of the export sale, Purchase Orders covering the cotton which the exporter is eligible to purchase, and the Corporation must have accepted such Purchase Orders: *Provided*, That if the sales contract submitted to the New Orleans Office pursuant to § 295.9 (b) provides that a specified quantity (bales or pounds) of cotton shall be shipped or delivered during a specified period or shipped on a specified shipping date, the exporter shall have until 30 days prior to the beginning of such period or shipping date or 90 days after the New Orleans Office receives notice of the export sale, whichever is later, to submit Purchase Orders covering an equal quantity of cotton to the New Orleans Office. The Corporation will not accept a Purchase Order if it does not desire to sell at the price bid by the exporter, or if it does not have available or does not choose to sell cotton comparable in quality and growth to that desired by the exporter and otherwise suitable to meet the exporter's requirements.

§ 295.4 *Approved countries.* Until and unless the Secretary otherwise announces, an approved country shall be a country to which cotton may be exported without violating the Trading with the Enemy Act, as amended, or any other statute, or any order or regulation issued pursuant thereto. Nothing in this subpart shall be deemed to authorize the exportation of cotton in violation of any such statute, order or regulation.

§ 295.5 *Purchase price.* The purchase price per pound to be paid by an exporter for cotton covered by a Purchase Order which is accepted by the Corporation shall be the price bid in the Purchase Order, less the amount of the applicable export differential.[1] The export differential applicable to any cotton purchased from the Corporation hereunder shall be the export differential announced by the Secretary and in effect at the time the New Orleans Office receives notice of the export sale against which such cotton is being purchased. If the Purchase Order is received by the New Orleans Office more than 90 days after the date it receives notice of the export sale against which such cotton is being purchased, pursuant to the proviso in § 295.3 (b), the purchase price shall be increased by 5 points for each month or fraction thereof between the end of such 90-day period and the date the Purchase Order is received by the New Orleans Office. Purchase Orders shall be submitted and construed in accordance with instructions issued by the New Orleans Office.

§ 295.6 *Storage charges.* The Corporation shall pay direct to the warehouseman all storage charges on cotton purchased from the Corporation's stocks through the date the sight draft, with warehouse receipts attached, is presented to the exporter for payment.

§ 295.7 *Purchase Orders.* All Purchase Orders shall be submitted to the New Orleans Office and shall be in the form prescribed by the Corporation. They may be sent by mail or telegraph, but if sent by telegraph, they shall be confirmed in writing on the same day in the prescribed form. Each Purchase Order submitted by an exporter shall designate the export sale or consignment declaration against which the purchase is made. Upon receipt of any Purchase Order, a check of the stocks available for purchase shall be made. If all or any part of the cotton specified is available for purchase, and the Purchase Order is accepted by the Corporation, the exporter will be promptly notified by telegram of the Corporation's acceptance. No cotton shall be regarded as purchased until the exporter receives such notification. If the Purchase Order is not accepted as to all or any part of the cotton specified thereon, the exporter will be promptly notified by telegram and may order other cotton in substitution.

§ 295.8 *Eligibility for payments by the Secretary.* If an exporter agrees to sell lint cotton grown in the continental United States to a foreign purchaser for export to an approved country, and if the sale is registered as provided in § 295.9, the exporter shall be eligible to receive a payment from the Secretary on that quantity of the cotton exported in fulfillment of such export sale which is in excess of the cotton purchased from the Corporation's stocks against such export sale (in lieu of purchasing an equal quantity of cotton from the Corporation's stocks), subject to the following additional terms and conditions:

(a) The Corporation must have certified to the Secretary that the exporter filed Purchase Orders with respect to such quantity of cotton with the New Orleans Office within the time limits specified in § 295.3 (b) for submission of Purchase Orders and that the Corporation did not have available, or did not choose to sell, an equal quantity of cotton from its own stocks which was comparable in quality and growth to that desired by the exporter and which was otherwise suitable to meet the exporter's requirements.

(b) The payment shall be based on the unpatched gross weight of such quantity of cotton and shall be at a rate per pound equal to the export differential announced by the Secretary and in effect at the time the New Orleans Office receives notice of the export sale.

(c) The exporter must have submitted to the New Orleans Office satisfactory evidence (as provided in § 295.10) that such quantity of cotton was exported by the exporter in fulfillment of the sale prior to July 1, 1947.

(d) The exporter must have submitted to the New Orleans Office, within 90 days after the date of exportation of such cotton, an application for such payment on the voucher form specified by the New Orleans Office.

(e) The exporter to whom payment shall be made shall be the person or firm named as exporter in the notice of the export sale: *Provided*, That if the shipper or the consignor named in the bill of lading under which such quantity of cotton is exported is other than the exporter named in the notice of the export sale, waiver by the shipper or consignor named in the bill of lading of any interest in the claim in favor of the exporter named in the notice of the export sale will be required.

§ 295.9 *Registration and contracts of sale*—(a) *Registration.* A sale of raw cotton for exportation shall be registered hereunder when, and only in the event that, the following requirements have been met:

(1) The sale must be made subsequent to the date of this subpart.

(2) The country to which the cotton is sold for export must be an approved country at the time the sale is made.

(3) In the case of sales for export to Canada and Mexico, such sales must be made directly to a cotton consuming establishment in such country. The determination of the Secretary as to whether the buyer is a cotton consuming establishment shall be final.

(4) The exporter must send a notice of the export sale to the New Orleans Office by telegram filed with the telegraph company not later than twenty-four (24) hours after the sale is made. A notice of sale filed after such 24-hour period may be accepted if it is shown that the delay is due to circumstances beyond the control of the exporter. The notice of the export sale must state the name and address of the foreign purchaser, the number of pounds (gross weight) and the quality of cotton sold, the sales price, and the date and exact time the sale is made.

(5) There must be received by the New Orleans Office, within five (5) days (excluding Saturdays and Sundays) after the date it receives the notice of

[1] Supp. Announcement 1, Apr. 22, 1946, 11 F.R. 4521, provides that "until otherwise announced, the export differential applicable under the Terms and Conditions of Cotton Sales for Export Program dated April 22, 1946, * * * shall be 4 cents per pound of cotton, gross unpatched weight."

the export sale, three copies of a Declaration of Export Sale (C. C. C. Cotton Form SFE–H). A declaration filed after such 5-day period may be accepted if it is shown that the delay is due to circumstances beyond the control of the exporter.

(b) *Contracts of sale.* The Corporation must also be furnished with a copy of an unconditional sales contract covering the cotton sold, signed by both parties, and certified by the exporter as being true and correct. Such contract must show the sales price, the date of sale, the number of pounds (gross weight) and quality of cotton sold, the sailing date or month or months of delivery, the destination of shipment, and the names and addresses of the parties to the contract, and must call for the exportation of the cotton not later than June 30, 1947. Such contract shall be filed with the New Orleans Office within twenty (20) days after the date the New Orleans Office receives notice of the export sale, in the case of sales for export to Canada and Mexico, and within sixty (60) days after such date, in the case of sales to other countries, unless an extension of time is granted by the Corporation. The Corporation may accept an amendment to the contract changing the sailing date or month or months of delivery if the amendment is accompanied by a copy, certified by the exporter as being true and correct, of a telegram or cable from the purchaser requesting that shipment or delivery be made on the later date.

§ 295.10 *Satisfactory evidence of exportation.* Evidence of exportation of cotton, to be satisfactory under this subpart, must meet the following requirements:

(a) If the cotton is exported to Canada or Mexico, the exporter shall furnish an authenticated landing certificate, in duplicate, issued by an official of the government of the country to which the cotton is exported, showing the place and date of landing and gross landed weight of the cotton, and the name and address of both the person who exports the cotton from the United States and the person to whom it is shipped.

(b) If the cotton is exported to any other approved country, the exporter shall furnish two copies of either an on board ship bill of lading or a shipmaster's receipt, showing the number of bales, marks, and gross weight of cotton loaded on board ship, the date and place of loading, the name of the vessel, the destination of the cotton, and the name and address of both the person exporting the cotton and the person to whom it is shipped.

(c) In every case, the exporter shall also furnish two copies of his customs export declaration, certified by the customs office and showing that the cotton was produced in the continental United States, and a reweight sheet, in duplicate, of the warehouse from which the cotton is shipped for export, certified by the warehouse and showing the number of bales and marks of the cotton and its unpatched gross weight. Such weight sheet shall constitute satisfactory evidence of the cotton's unpatched gross weight.

(d) The documents specified above must be filed with the New Orleans Office not later than fifteen (15) days after the date of the landing certificate, on board ship bill of lading, or shipmaster's receipt, and also, in those cases in which cotton is sold by the Corporation from its stocks in reliance upon the exporter's bond, not later than thirty (30) days after the sailing date or month or months of delivery shown on the certified copy of the sales contract filed with the New Orleans Office.

(e) The exporter shall also furnish any additional evidence of exportation which may be requested by the New Orleans Office.

(f) If cotton is loaded on board a vessel for shipment to an approved country and is destroyed while on board such vessel, for the purposes of this subpart the cotton shall be regarded as having been exported.

§ 295.11 *Bond.* The bond which must be furnished by each exporter who desires to purchase cotton from the Corporation under this subpart against export sales prior to the submission of satisfactory evidence of exportation of the cotton covered by such sales shall be in the form prescribed by the Corporation and shall be in an amount at least equivalent to 10 cents for each pound (gross weight) of cotton sold to the exporter against an export sale for which, at any one time, satisfactory evidence of the exportation of the cotton covered by the sale to the approved country named in the sales contract has not been submitted to the New Orleans Office. The surety on such bond must be a corporate surety approved by the Treasury Department of the United States.

§ 295.12 *Liquidated damages.* (a) In all cases in which (1) an exporter gives the New Orleans Office notice of an export sale pursuant to § 295.9 and satisfactory evidence of the exportation, prior to July 1, 1947, of cotton in fulfillment of such export sale is not filed with the New Orleans Office within the time specified in § 295.10, or such extension of time as may be granted pursuant to paragraph (b) (1) of this section, or (2) cotton as to which satisfactory evidence of exportation has been submitted reenters the United States or its possessions (other than the Philippine Islands) in the form of raw cotton, the exporter shall pay to the Corporation, in care of the New Orleans Office, as liquidated damages, the sum of 10 cents for each pound of such cotton.

(b) Notwithstanding the provisions of § 295.10 (d) and paragraph (a) of this section, if the Director of the New Orleans Office determines that the exporter was prevented from exporting cotton in fulfillment of an export sale of which the New Orleans Office receives notice hereunder by acts of government, acts of God, lack of shipping space (claims of lack of shipping space must be supported by a letter from the War Shipping Administration, or from all of the steamship companies operating to the country to which the cotton is to be exported, showing that shipping space was unavailable for shipment of such cotton within the prescribed time), or other similar causes beyond the exporter's control:

(1) The Director of the New Orleans Office may grant an extension of the time within which such cotton may be exported and satisfactory proof of exportation may be submitted, or

(2) If an extension of time is not granted, or if such cotton cannot be exported due to any such cause within any such extension of time:

(i) In lieu of paying to the Corporation the amount provided in paragraph (a) of this section with respect to such cotton, if the Corporation has sold the exporter cotton against the export sale of such cotton, the exporter shall pay to the Corporation with respect to each pound of such cotton an amount equal to the export differential used in computing the price at which such cotton was purchased from the Corporation; and

(ii) If the Corporation has not sold the exporter cotton against the export sale of such cotton, the exporter shall not be liable for the payment of liquidated damages under this section with respect to such cotton, and the exporter shall have no rights hereunder with respect to the export sale of such cotton.

(c) Notwithstanding the provisions of paragraph (a) of this section, if an exporter is unable, because of the destruction of cotton shipped to Mexico or Canada by rail in fulfillment of an export sale, to furnish satisfactory proof of exportation of such cotton, and if title to the cotton was in the foreign purchaser at the time it was destroyed:

(1) In lieu of paying to the Corporation the amount provided in paragraph (a) of this section with respect to the cotton so destroyed, if the Corporation has sold the exporter cotton against the export sale of such cotton, the exporter shall pay to the Corporation with respect to each pound of such cotton an amount equal to the export differential used in computing the price at which such cotton was purchased from the Corporation; and

(2) If the Corporation has not sold the exporter cotton against the export sale of such cotton, the exporter shall not be liable for the payment of liquidated damages under this section with respect to such cotton, and the exporter shall have no rights hereunder with respect to the export sale of such cotton.

In any such case, the New Orleans Office must be notified of the destruction of the cotton and the number of the registered sale, and the exporter shall furnish such proof of destruction and passage of title as the New Orleans Office may require.

§ 295.13 *Payment for and delivery of cotton.* Within thirty (30) days after the date of receipt of any Purchase Order which is accepted by the Corporation, the Corporation will present to the exporter a sight draft drawn on the exporter for the purchase price of the cotton, accompanied by warehouse receipts representing the cotton and properly endorsed so as to vest title in the exporter. Such draft must be paid by the exporter upon presentation.

§ 295.14 *Class.* All sales by the Corporation of 1944, 1945, or later crop cotton will be based solely upon the grade and staple length shown in the catalog, with no right of adjustment if the grade or staple length is found to be other than that stated in the catalog or for any other reason. Sales of 1934, 1937, 1941, 1942, and 1943 crop cotton will be subject to adjustment for grade and staple length upon reclassification by a Board of Cotton Examiners of the Cotton Branch, Production and Marketing Administratiton, United States Department of Agriculture of all of the cotton listed on the sales invoice which was stored in the same warehouse or compress. In the event the reclassification of any cotton of the 1934, 1937, 1941, 1942, or 1943 crops should vary from the classification shown in the catalog, settlement will be made with the exporter on all of the cotton listed on the sales invoice which was stored in the same warehouse or compress upon the basis of such reclassification. No rejections will be allowed.

§ 295.15 *Weight.* Cotton sold from the Corporation's stocks under this subpart will be invoiced on the basis of the gross weight shown on the warehouse receipts. Claims for weight differences may be filed by the exporter only in the event that the claim covers all of the cotton listed on the sales invoice which was stored in the same warehouse or compress and that he has had all such cotton reweighed before compression at his own expense, as evidenced by a reweight sheet, in duplicate, signed by the superintendent or manager of such warehouse or compress and bearing the following certificate: "This cotton not resampled or reconditioned before reweighing."

§ 295.16 *Filing claims.* Claims for differences in grade or staple length of 1934, 1937, 1941, 1942, or 1943 crop cotton or for differences in weight of any cotton must be filed, in duplicate, not later than 90 days after the date the cotton is invoiced by the Corporation, but all such claims with respect to any lot of cotton should be filed at the same time. Claims must be filed in accordance with the instructions issued by the New Orleans Office.

§ 295.17 *Cotton not in good condition.* The warehouse receipts held by the Corporation contain the obligation of the warehousemen to deliver the bales of cotton represented thereby in good condition. The Corporation shall not be liable to an exporter for the failure of a warehouseman to deliver to the exporter in good condition the bales of cotton represented by any warehouse receipts.

§ 295.18 *Freight bills.* The exporter shall, within six months after receipt of warehouse receipts representing cotton purchased from the Corporation's stocks:

(a) Purchase the freight bills held by the Corporation covering the bales of such cotton which were shipped by rail to the warehouses issuing the warehouse receipts at their refund value based on reshipment of such bales to Greenville, South Carolina, as representative of Group B points, or, if such cotton is stored at Group A or Group B points and is reshipped, based on the destination to which such cotton is actually reshipped; or

(b) If such cotton is not stored at a port when sold to the exporter, furnish the Corporation with outbound bills of lading, acquired in the shipping of such cotton via the railroad line designated by the Corporation; or

(c) If such cotton is stored at a port when sold to the exporter, furnish the Corporation with a copy of the ocean bill of lading (or if the cotton is exported from another port, a copy of the railroad bill of lading, a copy of the tag list, and a copy of the ocean bill of lading) evidencing exportation of the identical cotton;

otherwise, the exporter shall purchase the freight bills by honoring a three-day sight draft, with the freight bills held by the Corporation attached, for the amount specified in paragraph (a) of this section.

§ 295.19 *Consignments.* If an exporter intends to export lint cotton to an approved country prior to the sale of such cotton and files with the New Orleans Office a Declaration of Intent to Consign listing the number of pounds (gross unpatched weight) and the grade and staple length of the cotton which he intends to export, and if the Declaration is approved by the Corporation, the exporter may purchase from the Corporation an equal quantity of cotton, subject to the following terms and conditions:

(a) *Declarations.* The declaration must be in the form prescribed by the Corporation and must be filed, in triplicate, before the cotton listed on the declaration is exported. Submission of a declaration and approval by the Corporation is in lieu of registration. The Corporation will approve only declarations listing cotton of a grade and staple length which the Corporation announces may be exported under this section. Upon approval of a declaration, one copy, dated and marked approved, will be returned to the exporter.

(b) *Bond.* Before the declaration will be approved, the New Orleans Office must have received from the exporter a surety bond in the form prescribed by the Corporation, conditioned upon the submission of satisfactory evidence of exportation of the cotton listed on the declaration by the exporter prior to July 1, 1947, and not later than 90 days after the date the declaration is approved, and in an amount at least equivalent to 10 cents for each pound of cotton listed on all of the declarations filed by the exporter for which, at any one time, satisfactory evidence of exportation has not been furnished. The surety on such bond must be a corporate surety approved by the Treasury Department of the United States.

(c) *Satisfactory evidence of exportation.* Evidence of exportation of cotton, to be satisfactory under this section, must meet the requirements of § 295.10 and must also include a certification by the exporter that the cotton shipped was of the grade and staple length stated in the declaration.

(d) *Purchase Orders.* The New Orleans Office must have received from the exporter, not later than 90 days after the date the Corporation approves the declaration, Purchase Orders covering the cotton which the exporter is eligible to purchase, and the Corporation must have accepted such Purchase Orders,

(e) *Price.* The price of cotton purchased under this section shall be computed in accordance with § 295.5, except that in applying § 295.5 the date the Corporation approves the declaration shall be used in place of the time the New Orleans Office receives notice of the export sale against which such cotton is being purchased.

(f) *Liquidated damages.* (1) In all cases in which (i) the exporter fails to furnish within the time specified in § 295.10 or such extension of time as may be granted by the Corporation under subparagraph (2) of this paragraph, satisfactory evidence that the cotton listed on the declaration was exported prior to July 1, 1947, and not later than 90 days after the date the declaration is approved, or (ii) cotton as to which satisfactory evidence of exportation has been submitted reenters the United States or its possessions (other than the Philippine Islands) in the form of raw cotton, the exporter shall pay to the Corporation, as liquidated damages, the sum of 10 cents for each pound of such cotton.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, if the Director of the New Orleans Office determines that the exporter was prevented from exporting the cotton listed on the declaration by a cause listed in § 295.12 (b), the provisions of § 295.12 (b) (1) and (2) shall be applicable to this paragraph, except that in applying § 295.12 (b) (1) and (2) the phrase "the Declaration of Intent to Consign" shall be substituted for the phrase "the export sale of" and the phrase "subparagraph (1) of this paragraph" shall be substituted for the phrase "paragraph (a) of this section."

(g) *Payments by Secretary.* If the Corporation so elects, it may refuse to sell to the exporter a quantity of cotton equal to that listed on the approved declaration, and, in such case, the exporter shall be eligible to receive a payment from the Secretary on that quantity of the cotton exported in fulfillment of the declaration which is in excess of the cotton purchased from the Corporation's stocks against the declaration (in lieu of purchasing an equal quantity of cotton from the Corporation's stocks), subject to the following terms and conditions:

(1) The Corporation must have certified to the Secretary that the exporter filed Purchase Orders with respect to such quantity of cotton with the New Orleans Office not later than 90 days after the date the Corporation approved the declaration and that the Corporation elected not to sell such quantity of cotton to the exporter.

(2) The payment shall be based on the unpatched gross weight of such quantity of cotton and shall be at a rate per pound equal to the export differential announced by the Secretary and in effect at the time the Corporation approves the declaration.

(3) The exporter must have submitted to the New Orleans Office satisfactory evidence that such quantity of cotton was exported by the exporter prior to July 1, 1947, and not later than 90 days after the date the declaration was approved.

(4) The exporter must have submitted to the New Orleans Office, within 90 days after the date of exportation of such quantity of cotton, an application for such payment on the voucher form specified by the New Orleans Office.

(5) The exporter to whom payment shall be made shall be the person or firm named as exporter in the declaration: *Provided*, That if the shipper or the consignor named in the bill of lading under which such quantity of cotton is exported is other than the exporter named in the declaration, waiver by the shipper or consignor named in the bill of lading of any interest in the claim in favor of the exporter named in the declaration will be required.

(h) *Amendments and terminations.* Any amendment or termination of this subpart and any withdrawal of any qualities of the Corporation's cotton shall not be applicable to Purchase Orders, or vouchers submitted with respect to declarations approved by the Corporation prior to the effective date of such amendment, termination, or withdrawal.

(i) *Applicability of other provisions.* All of the provisions of this subpart except §§ 295.3 and 295.8 shall be applicable to this section, except where they are inconsistent with this section. The exportation of cotton in fulfillment of a declaration approved under this section shall not entitle the exporter to any benefits under §§ 295.3 and 295.8.

§ 295.20 *Books, records and accounts.* The exporter shall make available to the Corporation or the Secretary, from time to time, as they may request, such of exporter's, and such of his affiliates' and subsidiaries', books, records, accounts, and other documents and papers as the Corporation or the Secretary, respectively, may deem pertinent to any transaction under this subpart. Each such exporter shall also furnish to the Corporation or the Secretary such information and reports as they may from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The specific reporting requirements hereof have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 295.21 *Setoffs.* The Secretary may set off against any amount owed to any exporter any amount owed by the exporter to the Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 295.22 *Assignments.* No exporter shall, without the written consent of the Corporation or the Secretary, assign any right of the exporter against the Corporation or the Secretary, respectively, under this subpart.

§ 295.23 *Good faith.* If the Corporation or the Secretary determines that any exporter has not acted in good faith in connection with any transaction under this subpart, or has failed to discharge fully an obligation assumed by him under this subpart, such exporter may be denied the right to register export sales or to file declarations under this subpart or the right to purchase cotton or apply for payment under this subpart in connection with any previously registered sale or approved declaration.

§ 295.24 *Effect of changes on outstanding offers.* Notwithstanding the provisions of § 295.25, if an exporter makes a firm telegraphic or cabled offer to sell cotton to a foreign purchaser for export to an approved country, and if subsequently approval of the country is withdrawn, the program is terminated, the export differential, or the method of computing prices under this subpart is changed, or this subpart is amended, prior to the time the New Orleans Office receives notice of the export sale of such cotton resulting from the foreign purchaser's acceptance of the exporter's offer, such termination, change, or amendment shall not be applicable to Purchase Orders, or vouchers submitted with respect to such export sale, provided the exporter submits proof (a) that the telegraphic or cabled offer was filed with the telegraph or cable company by the exporter prior to the announcement of the termination, change, or amendment, and (b) that the telegram or cablegram of acceptance was filed by the foreign purchaser not later than 12 o'clock midnight, eastern standard time, of the day such announcement is made, if the foreign purchaser is on the North American continent, or not later than 12 o'clock midnight, eastern standard time, of the second day following such announcement, if the foreign purchaser is not on the North American continent.

§ 295.25 *Amendments and termination.* This subpart may be amended at any time without previous notice by making public announcement thereof. A copy of every amendment will be mailed promptly to each exporter to whom a catalog has been mailed. This subpart may be terminated at any time without previous notice by making public announcement thereof. A copy of such announcement will be telegraphed to each exporter to whom a catalog has been mailed. Any such amendment or termination shall not be applicable to Purchase Orders, or vouchers submitted with respect to export sales of which the New Orleans Office receives notice prior to the effective date of such amendment or termination.

§ 295.26 *Definitions.* (a) "Exporter" means any individual, corporation, partnership, association, any approved country or any agency thereof, or other business entity engaged in the business of exporting cotton.

(b) "Public announcement" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(c) "Secretary" means the Secretary of Agriculture or his authorized representative.

(d) "The Corporation" means Commodity Credit Corporation or its authorized agent.

(e) "The New Orleans Office" means the New Orleans Office of the Cotton Branch, Production and Marketing Administration, Department of Agriculture, Masonic Temple Building, New Orleans, Louisiana.

(f) "Sale" includes a contract to sell.

(g) If cotton is exported by the exporter in fulfillment of an export sale, the date of the on board ship bill of lading or shipmaster's receipt under which the cotton was shipped will be accepted under this subpart as the date of exportation of the cotton.

§ 295.27 *Amendment of previous offer.*[1] The "Terms and Conditions of Cotton Sales for Export Program" (1944 CCC Cotton Export Form 1, dated November 10, 1944), as amended, is further amended by substituting the date July 1, 1947, for the date January 1, 1947, in subparagraphs 3 (a), 8 (c), 12 (a), 27 (b), and 27 (f), and by substituting the date June 30, 1947 for the date December 31, 1946, in paragraph 9.

§ 295.28 *Termination of previous offer.*[1] The "Terms and Conditions of Cotton Sales for Export Program" (1944 CCC Cotton Export Form 1, dated November 10, 1944), as amended, is hereby terminated, subject to the provisions of paragraphs 23 and 24 thereof.

§ 295.29 *Effective date.* This offer shall be effective on May 1, 1946.

Dated this 22d day of April 1946.

[SEAL] ROBERT H. SHIELDS,
President, Commodity Credit Corporation, Authorized Representative of the Secretary of Agriculture.

Attest:

MARION M. CRUMPLER,
Assistant Secretary.

[F. R. Doc. 46-6741; Filed, Apr. 22, 1946; 11:25 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 701—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

ENLISTMENTS AND REENLISTMENTS IN THE REGULAR ARMY

Pending the revision of Part 701, the regulations pertaining to enlistments and reenlistments in the Regular Army, published February 15, 1946, (11 F.R. 1668) and March 14, 1946 (11 F.R. 2630) are superseded by the following:

1. *General.* Prescribed procedures to be followed in accepting enlistments and reenlistments in the Regular Army, pursuant to the act of June 1, 1945, as amended by the Armed Forces Voluntary

[1] 9 F.R. 13795, 13799, 14381; 10 F.R. 149, 4647, 5349, 9311, 11551, 14245, 15329; 11 F.R. 2496, 3243. In the codification of Subpart A appearing in the 1944 and 1945 Supplements to the Code of Federal Regulations the paragraph number in the previous offer may be calculated by adding one to the section number in the codification: Thus, § 295.1 in the codification corresponds to paragraph 2 in the previous offer.

Recruitment Act of 1945 are set forth below. The authority to accept original enlistments and reenlistments in the Regular Army under the provisions of the mentioned act will terminate on June 30, 1947.

2. *Men serving in enlisted status.* Every enlisted man who is serving honorably and faithfully and who has not enlisted or reenlisted in the Regular Army since June 1, 1945, will be afforded the opportunity of applying for discharge from his enlisted status for the purpose of enlisting or reenlisting in the Regular Army.

3. *Men discharged.* Every man honorably discharged from the Army, except those discharged under the provisions of Army Regulations, will be afforded the opportunity of enlisting or reenlisting in the Regular Army within 3 months after the date of such discharge, without regard to the restrictions as to age prescribed in paragraph 6b of this part.

4. *Other men eligible.* Enlistment directly in the Regular Army is authorized, of other male citizens of the United States, found qualified for general military service under the provisions of this part. Applicants for enlistment with a National Guard status may be enlisted in the Regular Army. Members of the Enlisted Reserve Corps on an inactive status who apply for enlistment in the Regular Army will be administratively discharged from the Enlisted Reserve Corps and enlisted in the Regular Army in grades authorized by this part for men who are not members of the Enlisted Reserve Corps.

5. *Definition.* The term "enlistment" as used in this part will, unless otherwise specified, include:

a. Reenlistment in the Regular Army of a member, or former member, of the Regular Army.

b. Enlistment in the Regular Army of a member, or former member, of the Army of the United States or any component thereof.

c. Original enlistment in the Regular Army.

6. *Qualifications for enlistment—age.* Enlistments are authorized of male citizens of the United States found qualified, physically and otherwise, for general military service, who are—

a. Not less than 17 years of age and who have not reached their 35th birthday: *Provided,* That no person under the age of 18 years shall be enlisted without the written consent of his parents or guardians.

b. Thirty-five years of age and over, and who have had active service in the Army terminated by honorable discharge, other than under the provisions of Army Regulations, provided they have had total active service in the Army equal to or exceeding that shown in the following table:

Age:	*Minimum active army service*
35 under 36	3 months.
36 under 37	1 year.
37 under 38	2 years.
38 under 39	3 years.
39 under 40	4 years.
40 and over	5 years.

7. *Physical qualifications*—a. *Men serving in enlisted status.* (1) In the case of men serving in enlisted status, who apply for immediate enlistment or reenlistment in the Regular Army, performance of full military duty (defined as "serving at present in the Army, performing effective service in his present military occupation specialty from day to day and currently recorded qualified for oversea duty may be accepted as evidence of physical qualifications for the purpose of immediate enlistment or reenlistment.

b. *Men not serving in enlisted status.* All applicants for enlistment or reenlistment who are not serving in an enlisted status at the time of such application will be given a complete physical examination, and will be accepted only if found fully qualified, physically and otherwise, for general military service.

8. *Citizenship.* First enlistments in the Regular Army are limited to citizens of the United States.

9. *Classes ineligible for enlistment*—a. The following personnel are ineligible for enlistment or reenlistment:

(1) Men last separated from any branch of the land or naval forces under other than honorable conditions.

(2) Men discharged under the provisions of Army Regulations.

(3) Personnel classified as ineligible for enlistment under the provisions of Army Regulations.

(4) Restored general prisoners (including former commissioned officers, warrant officers, and flight officers restored to duty in enlisted status by induction or by enlistment in the Army of the United States), unless, since restoration, they have been honorably discharged from the Army.

(5) Former members of the land or naval forces last discharged by reason of disability, unless waiver is first obtained from The Adjutant General.

(6) Former members of the armed forces discharged by reason of dependency or hardship, unless the cause for which discharged has been removed.

(7) Any applicant for enlistment, who is not serving in an enlisted status at the time of such application, and who claims prior honorable service in the armed forces, but who is unable to produce his discharge certificate or other written evidence of such service, until verification of such service is received from The Adjutant General.

(8) Enlisted men attending officer candidate schools. (Upon relief from officer candidate schools, prior to graduation and appointment, former candidates may be discharged and enlisted as provided in this part.)

(9) Selective Service registrants from the time they receive orders from their local boards to report for induction, until they so report in conformity with such current orders, are inducted, and are given the Army General Classification Test at the reception center.

10. *Periods of enlistment.* Enlistments are authorized for the following periods, at the option of the person enlisting:

(1) Three years.

(2) Two years.

(3) Eighteen months.

b. In addition, any qualified and acceptable member of the Army of the United States who has performed active service therein for a period of not less than 6 months is authorized, upon his application, to enlist for a period of 1 year plus the period of any reenlistment furlough granted at the beginning of such enlistment, except that no person who is serving under an enlistment contracted on or after June 1, 1945 shall be entitled, before the expiration of the period of such enlistment to enlist for an enlistment period which will expire before the expiration of the enlistment period for which he is so serving.

c. Enlisted men in active service, except enlisted men of the Regular Army serving under unexpired enlistments contracted after June 1, 1945, may be discharged, upon application, for the purpose of immediately enlisting for any of the periods of service indicated in a above, or in b above subject to the restrictions contained therein.

11. *Grades in which enlisted; former enlisted men and individuals with no prior service*—a. *Grade in which enlisted.* Applicants for enlistment or reenlistment in the Regular Army will be enlisted in the grades specified below:

(1) *Provided enlistment is accomplished on or before June 30, 1946.* (a) Men honorably discharged and enlisted within 3 months after the date of discharge from active service will be enlisted in the grade held at the time of such discharge, permanent or temporary, whichever is higher.

(b) Men honorably discharged from enlisted status in the grade of private, who have had satisfactory active service in the Army of at least 6 months, and who enlist within 3 months after the date of discharge from active service, will be enlisted in grade six (private first class).

(2) *Provided enlistment is accomplished on or after July 1, 1946.* (a) Men honorably discharged and enlisted within 20 days after the date of discharge from active service will be enlisted in the grade held at the time of discharge, permanent or temporary, whichever is higher.

(b) Men honorably discharged from enlisted status in the grade of private, who have had satisfactory active service in the Army of at least 6 months, and who enlist within 20 days after the date of discharge from active service, will be enlisted in grade six (private first class).

(3) Certain former enlisted men who have not enlisted in the Regular Army, and who are not eligible to enlist therein in a grade higher than the seventh grade under the provisions of (1) or (2) above, may be enlisted in grades commensurate with their prior training and experience, as specifically authorized in War Department Pamphlet 12–16, February 11, 1946.

(4) All other applicants, except as indicated in paragraph 12, will be enlisted in grade seven (private).

b. *Promotions.* Men who have enlisted or reenlisted in the Regular Army on or after June 1, 1945, in grades which do not correspond to the provisions of a (1) above, will be promoted accordingly,

provided they would have qualified for enlistment in higher grades if the provisions of a (1) above has been in effect at the time of their enlistment in the Regular Army.

c. *Date of rank.* Men enlisted in grades higher than grade seven, under the provisions of a (1) (a) or a (2) (a) above, and those promoted as prescribed in b above, will be given the same date of rank as that held at the time of discharge from active service.

12. *Grades in which enlisted; former officers, warrant officers, and flight officers*—a. *Grade in which enlisted.* An applicant for enlistment whose last period of active service in the Army was in the status of commissioned officer, warrant officer, or fight officer, and whose release from such status was on or after May 12, 1945 and under honorable conditions:

(1) Will be enlisted in the first grade:

(a) Provided such enlistment is effected on or before June 30, 1946, and within 3 months of the date of release from active service.

(b) Provided such enlistment is effected on or after July 1, 1946, and within 20 days of the date of release from active service.

(2) May, if not eligible to enlist in the first grade under the provisions of (1) above, be enlisted in a grade commensurate with his prior training and experience, as specifically authorized in War Department Pamphlet 12–16.

b. *Promotions.* Former officers, warrant officers, and flight officers, who have, since May 12, 1945, enlisted in the Regular Army, or in the Army of the United States and subsequently in the Regular Army, in a grade lower than the first grade, will be immediately promoted to the first grade, provided they would have qualified for enlistment in the first grade under the provisions of a (1) (a) above, if such provisions had been in effect at the time of enlistment in the Regular Army.

The provisions of Part 701, in conflict with the above, are amended accordingly. (41 Stat. 765; 10 U.S.C. 42) [W.D. Cir 110, 17 Apr 1946]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 46-6994; Filed, Apr. 25, 1946; 2:38 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 363]

PART 238—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

EXEMPTION OF ALASKAN MAIL CARRIERS FROM CERTAIN REQUIREMENTS

Exemption of Alaskan mail carriers from certain requirements of § 238.1 of the Economic Regulations.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 23d day of April 1946. (Repeal of § 238.2 of the Economic Regulations.)

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 416 (b) thereof, hereby makes and promulgates the following regulation:

Effective April 23, 1946, § 238.2 of the Economic Regulations is repealed.

(Sec. 205 (a), 52 Stat. 984, 49 U.S.C. 425 (a); sec. 416 (b), 52 Stat. 1004, 49 U.S.C. 496 (a))

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 46-7013; Filed, Apr. 26, 1946; 10:40 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51442]

PART 17—PROTESTS AND REAPPRAISEMENTS

POWERS OF ATTORNEY TO FILE PROTESTS

Section 17.2 (a), Customs Regulations of 1943, amended to eliminate the provision that a protest filed by an agent or attorney not named in a power of attorney required by that section shall not be numbered in the protest series.

Section 17.2 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 17.2 (a)), is hereby amended by deleting the fourth sentence.

(Secs. 514, 515, 624, 46 Stat. 734, 759; 19 U.S.C. 1514, 1515, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: April 23, 1946.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-6996; Filed, Apr. 25, 1946; 3:32 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 179]

PART 802—GENERAL LICENSES

SHIP AND PLANE STORES, SUPPLIES AND EQUIPMENT; DUNNAGE

Section 802.13 *Ship and plane stores, supplies and equipment; dunnage "GLD"* is hereby amended in the following particulars:

Paragraph (b) is amended to read as follows:

(b) A general license is hereby issued permitting exportation on freight and passenger vessels of registry of any country, except Germany and Japan, departing from the United States, of food stores for consumption on board during the outgoing and any immediate return voyage scheduled in such quantities as the Collector of Customs deems necessary and reasonable, except that the amount of sugar which may be exported under this general license shall be limited to an amount not exceeding .25 pounds for each crew member and passenger per day of the scheduled voyage.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; E.O. 9630, 10 F.R. 12245; Order No. 390, 10 FR. 13130)

Dated: April 22, 1946.

JOHN C. BORTON,
Director,
Requirements and Supply Branch.

[F. R. Doc. 46-7018; Filed, Apr. 26, 1946; 10:55 a. m.]

[Amdt. 178]

PART 802—GENERAL LICENSES

GENERAL IN TRANSIT LICENSE

Section 802.9 *General in transit license "GIT"* is hereby amended in the following particulars:

Paragraph (b) is amended to read as follows:

(b) *Excepted commodity list.* Shipments of the commodities set forth in this paragraph (b) may not be exported under this general license unless such shipments are in transit from (1) any part of the British Empire to any other part of the British Empire; (2) Mexico through the United States to any other part of Mexico; (3) the Republic of Panama through the Panama Canal Zone to any destination; (4) Canada to any destination:

Commodity	Schedule B No.	Schedule L No.
Aircraft parts, equipment, and accessories other than those listed in the President's Proclamation of Apr. 9, 1942	All	
Uranium ores and concentrates	664598	680
Monazite sands	664598	680
Radium metal, radium content	664950	686
Thorium metals and alloys	664998	685
Polonium metal	664998	686
Radium salts and compounds for medical use (state radium content)	813590	810
Radon (radium emanations)	813390	810
Actinium-bearing salts and compounds	839900	830
Beryllium salts and compounds including beryllium carbonate and beryllium oxide	839900	830
Chemicals containing artificial radio-active isotopes	839900	830
Polonium-bearing salts and compounds	839900	830
Radium ore concentrates	839900	830
Radium salts and compounds (state radium content)	839900	830
Thorium salts and compounds, including thorium oxide and thorium nitrate	839900	830
Uranium acetate	839900	830
Uranium salts and compounds	839900	830

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Pub. Law 397, 78th Cong.; Pub. Law 99, 79th Cong.; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; E.O. 9630, 10 F.R. 12245; Order No. 390, 10 F.R. 13130)

Dated: April 22, 1946.

JOHN C. BORTON,
Director,
Requirements and Supply Branch.

[F. R. Doc. 46-7017; Filed, Apr. 26, 1946; 10:55 a. m.]

[Amdt. 177]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the list of commodities set forth in paragraph (b) the description of the commodity "Toluol", Department of Commerce Schedule B No. 801100 is amended to read as follows:

Dept. of Comm. Sched. B No.	*Commodity*
801100	Toluol (toluene) including that derived from petroleum (report on basis of 100%).

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; E.O. 8900, 6 F.R. 4795; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; E.O. 9630, 10 F.R. 12245; Order No. 390, 10 F.R. 13130)

Dated: April 12, 1946.

JOHN C. BORTON,
Director,
Requirements and Supply Branch.

[F. R. Doc. 46-7016; Filed, Apr. 26, 1946; 10:55 a. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supplementary Order M-317A, as Amended Apr. 26, 1946]

COTTON FABRIC DISTRIBUTION

§ 3290.116 *Supplementary Order M-317A*—(a) *What this order does.* This order states the special rules for distribution of cotton fabrics, particularly with respect to set-asides for certain purposes, the certificates of use which must be filed with orders in order to obtain set-aside fabrics, and the effect and use of preference ratings. The set-aside percentage figures are shown in the tables at the end of this order.

Definitions

(b) *Definitions.* (1) "Cotton fabric" means any fabric 12" or more in width woven or braided from cotton yarn which contains 50% or more by weight of cotton or cotton waste or any combination of the two. The term includes not only fabrics in the gray and yarn dyed fabrics, original mill or regular finish, but also fabrics which have been bleached, Sanforized, dyed or printed; and includes shorts, seconds, remnants or mill ends. The term does not include blankets or blanketing containing 25% or more by weight of wool; or fabrics (other than blankets or blanketing) containing wool produced on the woolen or worsted system.

(2) "Producer" means any manufacturer who makes any cotton fabric in the forty-eight States or the District of Columbia, for his own account or for the account of another.

(3) "Industrial and agricultural purposes" means any of the following purposes for which cotton fabric may be used, whether directly or as a component in the manufacture of items required for the purpose:

(i) Maintenance, repair, and operating supplies or capital equipment for any manufacturing, extractive (including mining and commercial fishing), agricultural, public utility or public transportation operation, or for any laundry or dry-cleaning establishment (not including items supplied on a return basis by a "linen service" agency or similar organization).

(ii) Medical, surgical, or hospital equipment and supplies (except clothing); and other equipment and supplies (except clothing) required for the protection of public health or safety.

(iii) Work clothing; special occupational and safety clothing and gloves (but not including work gloves, uniforms, or sports equipment).

(iv) Production materials to be used in the manufacture of vehicles; building materials; construction machinery; mechanical household or office equipment; tires; rubber hose and belts; footwear; friction tape and pressure-sensitive tape; burial caskets; electrical, industrial, agricultural, food processing or transportation equipment; furniture; mattresses; box springs; dual purpose sleeping equipment; gummed tape for cardboard and fiber cartons and corrugated boxes; and silica-gel bags.

(v) Book binding.

(4) "Coated fabrics" means cotton fabrics coated, impregnated or otherwise treated with the following coatings, continuous from selvage to selvage, provided that such treatment is not merely a part of the normal operation of bleaching, dyeing, printing or other finishing:

Clay filled coatings
Lacquers
Ethylcellulose
Nitrocellulose
Oil coatings
Oleoresinous coatings
Paints
Pyroxylin
Starch filled coatings
Varnishes
Resins, natural or synthetic
Rubber, natural, synthetic or reclaim

"Coated fabrics" include but are not limited to such products as oil cloth, artificial leather, book binding cloth, Holland cloth and varnished cambric.

Set-Asides

(c) *Set-aside of cotton fabrics for industrial and agricultural purposes.* During each calendar quarter after March 31, 1946 each producer shall set aside from his production of each cotton fabric, for delivery only on orders certified for "industrial and agricultural purposes" as defined in paragraph (b) (3) above, an amount not less than the percentage specified for that purpose in the attached tables (column 4). Cotton fabrics set aside under this paragraph may not be delivered on orders certified for the making of bags controlled by Order M-221, except when expressly permitted by the attached tables.

Manufacturers ordering cotton fabric for coating may certify their orders for "industrial and agricultural purposes" only if the coated fabric will be used for the purposes stated in paragraph (b) (3) above.

(d) *Set-aside of cotton fabrics for bags under M-221.* During each calendar quarter after March 31, 1946, each producer shall set aside from his production of each cotton fabric, for delivery only on orders certified for the manufacture of bags controlled by Order M-221, an amount not less than the percentage specified for that purpose in the attached tables (column 5).

(e) *Gray goods minimum ratio in set-asides for industrial, agricultural and bag making purposes.* (1) From the total amount of each group of cotton fabrics having the same reference number which are set aside after March 31, 1946 for "industrial and agricultural purposes" and for bags controlled by Order M-221, the producer shall deliver as gray goods not less than the percentage specified in the attached tables (column 12) on orders certified for use in the gray or for use in the manufacture of varnished cambric for electrical insulation.

(2) Any purchaser may certify that fabrics will be used in the gray if the fabrics are to be starched or combined or both, but not if the fabrics are to be bleached, dyed, printed, sized, napped or otherwise finished.

NOTE: Subparagraph (3) formerly subparagraph (2), redesignated Apr. 26, 1946.

(3) Manufacturers of coated fabrics may certify that the fabrics which they order for coating will be used in the gray only if the fabrics are to be coated without being bleached, dyed, printed, sized, napped or otherwise finished (except starching or combining).

(f) *Set-aside of cotton fabrics for M-328B programs.* The provisions of Order M-328B and its schedules and directions provide for set-asides of certain fabrics for apparel and piece goods. The percentages shown for these set-asides in the attached tables (columns 6 and 7) are included only for purposes of explanation and are not controlling.

(g) *Exports of cotton fabrics*—(1) *Set-aside for general export.* During each calendar quarter after March 31, 1946 each producer shall set aside from his production of each cotton fabric, for delivery only on orders certified for export (including export to Canada), an amount not less than the percentage specified for that purpose by the attached tables (column 8). Fabrics set aside under this paragraph shall not be delivered on orders for eventual export by the United States Army, Navy, Maritime Commission, War Shipping Administration, American Red Cross, or any U. S. military exchange or service department as defined in Priorities Regulation 17.

(2) *Sub-set-aside for export to Canada.* During each calendar quarter after

March 31, 1946 each producer shall set aside from his production of each cotton fabric, for delivery only on orders certified for export to the Dominion of Canada, an amount not less than the percentage specified for that purpose by the attached tables (column 9). Deliveries on certified Canadian export orders within this minimum percentage are chargeable, and in excess of it are not chargeable, against the general export set-aside of paragraph (g) (1) above. In the absence of a specific percentage in column 9 of the attached tables for any fabric, any deliveries of that fabric on certified Canadian export orders may be charged against the general export set-aside of paragraph (g) (1) above.

(3) *Scope of export set-aside.* The export set-asides are for cotton fabrics to be exported in the gray, in the finished state, as piece goods, or in any of the following forms: bedsheets, pillow cases, blankets, towels, diapers, face cloths, table "linen", or clothing.

(4) *Special export rules for wide combed cotton fabrics (Table I).* In calculating export-set-asides of cotton fabrics in the attached Table I the producer may exclude his production of cotton fabrics wider than 42½". However, deliveries on certified export orders of cotton fabrics wider than 42½" may be credited against the producer's export set-aside of cotton fabrics less than 42½" wide within the same reference number in column 1 of the attached Table I (or, in the case of drills, twills and sateens, deliveries on certified export orders of any of these fabrics wider than 42½" may be credited against the producer's export set-aside of any drill, twill or sateen less than 42½" wide).

(5) *Certifying orders for replacement of exported cotton fabrics.* Purchase orders may be certified "for export" under this order when the cotton fabrics (or other items listed in paragraph (g) (3) above) being ordered either will be exported as certified, or else will replace in inventory other cotton fabrics (or items) of like description which have been exported as certified within the previous 90 days.

(h) *General provisions for set-asides*—(1) *Quantities to be set-aside and carry-overs from previous quarters.* The undelivered balance of the total quantity required to be set aside for any purpose during any quarter (including the first quarter of 1946 with respect to exports and bags controlled by Order M-221), shall be added to the percentage of production during the next quarter which must be set aside for that purpose. The sum of the carry-over plus the required percentage of current production constitute the total quantity of each set-aside during each quarter. For the purpose of determining set-aside quantities during any quarter, production during that quarter must be estimated as being at least equal to the previous quarter's production. However, carry-overs must be computed on the basis of actual production and deliveries.

(2) *Deliveries in excess of required set-asides.* Deliveries in excess of the quantity required to be set aside for any purpose may not be credited against the set-aside for any other purpose, nor against the next quarter's set-aside for the same purpose. The set-aside for each purpose is a minimum required quantity, and does not prevent additional quantities being delivered from production which has not been set aside for other purposes.

(3) *Shorts, seconds, remnants and mill ends.* Shorts, seconds, remnants and mill ends must be included in total production for the purpose of determining set-asides only to the extent that these items exceed 10 percent of the total production (including these items). Deliveries of shorts, seconds, remnants and mill ends may not be credited as deliveries against the set-asides.

(4) *Cotton fabric products.* A producer may charge against the applicable set-aside the cotton fabric which he uses to make cotton fabric products (such as sheets, towels, diapers, etc.), if he delivers the products on orders which meet the terms of the set-aside. However, in the case of export set-asides the permitted products are limited by paragraph (g) (3).

(5) *Production for another's account.* A producer of cotton fabric for the account of another person must treat that fabric as part of his (the producer's) own production for the purpose of the above set-aside provisions, and may not deliver the fabric to anyone, including the person for whose account it was produced, except upon receipt of certificates of ultimate use which meet the terms of the required set-asides.

Certificates

(i) *Purchase order certificates for cotton fabrics*—(1) *When certificate required, and restrictions on use or resale of fabric received on certification.* No producer may deliver cotton fabrics which he is required to set aside under this order except on purchase orders with certificates stating that the fabrics ordered will be used or resold for purposes meeting the set-aside provisions. A person who has obtained cotton fabrics on certification may use them only as certified, and may resell them only on orders similarly certified. However, he may resell at retail without certification from the buyer unless he knows or has reason to believe that the buyer will not use the fabric for the certified purpose.

Delivery shall not be made on any order which the seller knows or has reason to believe is falsely certified, or on any uncertified order which is required to be certified, even though the order is rated MM or CC.

The certification requirements of this order do not apply to distribution of cotton fabrics set aside for apparel and piece-goods under M-328B programs. These fabrics must be delivered in accordance with the certification requirements of Order M-328B and its schedules and directions.

(2) *Content and form of certificate.* The purchase order certificate must state the ultimate use of the cotton fabric ordered and must be certified and signed, as follows:

For use or resale for industrial or agricultural purposes under CPA Order M-317A (if applicable, add "for use in the gray without any finishing", or "for varnished cambric for electrical insulation")—or

For use or resale for making bags controlled by CPA Order M-221 (if applicable, add "for use in the gray without any finishing")—or

For export (or state that "these cotton fabrics will be exported or will replace in inventory similar cotton fabrics which have been exported within 90 days"; moreover, state also the governing export license number and date of validation, or the United States Treasury Procurement Division contract number and date; or if the export is to Canada, so state and add the Canadian Cotton Administrator's Serial Number and date).

The above statements of use must be followed by the following standard form of certification, signed manually or as provided in Priorities Regulation 7:

The undersigned purchaser certifies, subject to the penalties of section 35 (a) of the United States Criminal Code, to the seller and to the Civilian Production Administration, that, to the best of his knowledge and belief, the undersigned is authorized under applicable Civilian Production Administration regulations and orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating which the undersigned has placed on this order.

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(Authorized Signature) (Date)

(3) *Addition of rating.* In addition to the above statement of ultimate use, the applicable rating (if any) and the statement of the source of the rating (required by paragraph (c) of Order M-317) may be inserted in the above certificate instead of being certified separately.

Preference Ratings

(j) *Effect of preference ratings.* (1) Orders which are duly certified for any set-aside purpose and also bear preference ratings and the statement of source of rating required by Order M-317, must be accepted and filled from the applicable set-aside in accordance with the provisions of Priorities Regulation No. 1. On the other hand, delivery may not be made of any set-aside cotton fabrics on any rated order which is not certified as required by paragraph (i) above.

(2) During each quarter after March 31, 1946 no producer need accept rated orders which would cause him to deliver, more of any cotton fabric from the balance of his production not subject to set-asides, than the percentage of his production of that fabric specified in the attached tables (column 11). Deliveries on rated certified orders which have been credited against any set-aside may not also be credited against the rating ceiling of this paragraph. On the other hand, deliveries on rated orders which are certified for set-aside purposes may be credited against the rating ceiling of this paragraph if the applicable set-asides were exhausted and the deliveries are not credited against any set-aside.

(3) Paragraph (j) (1) and (2) above refer to MM and CC rated orders. Orders rated AAA must be accepted and filled regardless of the set-aside or rating ceiling provisions of this order.

(4) No producer of cotton fabric shall use any preference rating to obtain cotton fabric from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing on Form CPA-2842, that his own production is insufficient or unsuitable. This does not apply to orders accepted before April 1, 1946.

(5) Preference ratings assigned for the export of cotton fabric expire if they are not applied or extended to an order accepted by a producer within six months of the date the rating was assigned.

(6) No person is required to accept any rated order for cotton fabrics calling for delivery more than 90 days after the receipt of the order, except from the United States Army, Navy, Maritime Commission or War Shipping Administration.

Miscellaneous

(k) *Integrated mills.* Requisitions for intra-company deliveries of cotton fabrics from the producing mill shall be treated as if they were purchase orders, for the purpose of the set-aside and certification requirements and the other provisions of this order.

(l) *Reports.* Each producer of cotton fabrics shall file a report with the Civilian Production Administration on Forms CPA-658B and C at the time and in the manner prescribed in these forms. These reporting requirements have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the ground of the appeal.

NOTE: Paragraph (n) formerly paragraph (m), redesignated Apr. 26, 1946.

(n) *Communications.* All reports, appeals and other communications concerning this order shall be addressed to: Civilian Production Administration, Textile Division, Washington 25, D. C. Ref: M-317A.

Issued this 26th day of April 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

COTTON FABRIC DISTRIBUTION TABLES

NOTE.—The columns of these tables correspond to the paragraphs of Supplementary Order M-317A, as follows:

Col. 4—par. (c)
Col. 5—par. (d)
Col. 6 and 7—par. (f)
Col. 8 and 9—par. (g)
Col. 11—par. (j) (2)
Col. 12—par. (e)

TABLE I—FINE COTTON GOODS

NOTE: Table I amended Apr. 26, 1946.

Ref. No.	Form CPA 658-C, April 9, 1946, item number	Fabrics	Minimum percentages for set-asides							Balance beyond set-asides subject to rating	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (excluding bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Exports		Total percent set-aside		
					Apparel	Piece goods	General exports	Canadian exports			
1	2	3	4	5	6	7	8	9	10	11	12
1	1, 2	Airplane and balloon fabrics					4		4	5	
2	3, 4, 5	Broadcloth (combed)			*60		10	2½	70	20	
3	6	Dimities			*25	*25	8		58	5	
4	10-17	Lawns and organdies (combed and part combed, and carded).			*30	*11	10		51	5	
5	18-21	Marquisettes (combed and part combed, and carded).					5		5	5	
6	22	Oxfords, combed and fine carded (average carded yarns finer than 35s).			*60		8	4	68	5	
7	23	Piques			*30	*30	5		65	5	
8	24	Pongees					5		5	5	
9	25, 26	Poplins (combed)			*50		10	3	60	5	
10	27	Sateens (combed and part combed)					11		11	5	
11	28	Sateens, carded (average yarns finer than 35s), narrow (under 42").					14		14	5	
12	31	Shirtings, jacquard, gray—dobby and colored			*60		14	5	74	5	
13	32, 33	Army twills, 6.0 oz. shirting and 8.2 oz. uniform								100	
14	35	Albert twills					7		7	93	
15	36	Gabardines (combed)					10		10	5	
16	34 and 37	All other combed twills					5		5	5	
17	38	Twills, Carded (average yarns finer than 35s)					10		10	5	
18	41	Voiles				*30	8		38	5	
19	42-45 and 157-159, on Form CPA 658-B.	Combed and carded cotton—rayon fabrics, chiefly cotton.			*60	*12	8		80	5	
20	48	Seersuckers, combed and fine carded (average carded yarns finer than 35s).			*10		12		22	5	
21	46, 47	Dotted Swiss			*30	*25	12		67	5	
22	49	All other combed, part combed and fine carded fabrics (average carded yarns finer than 35s except seersuckers and dotted Swiss.									
23		All other combed, part combed and fine carded fabrics not elsewhere specified in distribution table I.								10	

TABLE II—CARDED GRAY GOODS

NOTE: Table II amended Apr. 26, 1946.

Ref. No.	Form CPA 658-B, April 10, 1946, item number	Fabrics	Minimum percentages for set-asides						Balance beyond set-asides subject to rating	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (exclusive bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Exports		Total percent set-aside	
					Apparel	Piece goods	General exports	Canadian exports		
1	2	3	4	5	6	7	8	9	10	11	12
24	5-12 on Form CPA 658-A.	Flat duck (including enameling duck)	40						40	5	75
25	20 on Form CPA 658-A.	Hose and belting duck	100						100		100
26	21 on Form CPA 658-A.	Filter cloth (duck yarns)	100						100		100
27	23 on Form CPA 658-A.	Chafer fabrics	100						100		80
28	1-8	Osnaburgs	32	55			3	1	90	2	50
29	12, 13	Soft filled sheetings	40				10	1	50	5	75
30	14-17, 19	Class A sheetings under 42"	15	55	*6		9	4	85	2	50
31	18, 20	Class A sheetings 42" and wider	40						40	5	

TABLE II—CARDED GRAY GOODS—Continued

Ref. No.	Form CPA 658-B, April 10, 1946, item number	Fabrics	Minimum percentages for set-asides							Balance beyond set-asides subject to rating	Minimum percent gray goods in total set-asides for industrial, agricultural and M-221 bags (col. 4 and 5)
			Industrial and agricultural uses (exclusive bags controlled by M-221)	Bags controlled by M-221	M-328B programs		Exports		Total percent set-aside		
					Apparel	Piece goods	General exports	Canadian exports			
1	2	3	4	5	6	7	8	9	10	11	12
32	21, 26, 28	Class B sheetings; 40"–48 x 40–3.25 yd., all other Class B constructions under 42".	7½	55	*10	-------	12½	2	85	2	75
33	22, 23, 25	Class B sheetings; 40"–48 x 40–3.75 yd.; 37"–48 x 44–4.00 yd.; 31"–48 x 44–5.00 yd.	12½	55	-------	-------	12½	3	80	2	75
34	24	Class B sheetings; 40"–44 x 40–4.25 yd	10	30	-------	-------	20	3	60	5	75
35	27, 29	Class B sheetings 42" and wider	60	-------	-------	-------	15	-------	75	5	50
36	30, 33, 39, 40, 42	Class C sheetings, 36"–64 x 64–3.50 yd., 36"–48 x 40, 44 x 40–5.50 yd., 36"–60 x 52, 56 x 56–4.00 yd., 36"–44 x 40, 40 x 40–6.05 yd. to 6.15 yd., 40½"–74 x 86–2.80 to 2.90 yd. and all other Class C constructions, under 42".	24	20	*6	*15	15	2	80	5	***65
37	34, 38	Class C sheetings, 40"–64 x 64–3.15 yd., 40"–56 x 48–4.30 yd., 40"–60 x 52, 56 x 56–3.60 yd., 40"–44 x 40–5.50 yd., 40"–36 x 40–5.55 yd.	45	20	-------	-------	15	2	80	5	***40
38	41, 43	Class C sheetings 42" and wider	30	-------	-------	-------	12	-------	42	5	50
39	44–47	Bed sheetings, 42" and wider	-------	-------	-------	-------	14	2	14	5	-------
40	49	Carded poplins (sheeting yarns)	-------	-------	*25	-------	9	4	34	5	-------
41	50–54	Three leaf herringbone twills (except jeans); drills, under 42" in width.	30	-------	*2	-------	14	2	46	5	30
42	55	Drills, 42" and wider	80	-------	-------	-------	-------	-------	80	2	40
43	56	Jeans	25	-------	-------	-------	14	1	39	5	30
44	57	Three leaf pocketing twills (sheeting yarn constructions).	-------	-------	*50	-------	14	2	64	5	-------
45	58	Three leaf Silesia twills (sheeting yarn constructions).	-------	-------	*35	-------	14	2	49	5	-------
46	59–62	Four leaf twills less than 42" in width	-------	-------	*4	-------	14	1	18	5	-------
47	65, 67, 68	Sateens under 42" in width; gabardines (carded) "all other" carded twills and sateens NEC.	-------	-------	-------	-------	14	2	14	5	-------
48	63, 64, 66	Four leaf twills and sateens 42" and wider	80	-------	-------	-------	-------	-------	80	2	40
49	71–73	Plain print cloths: 39" 80 x 80–4.00 yd 39" 68 x 64–4.85 yd 39" 68 x 72–4.75 yd	25	(**)	*32	*14	11	3	82	8	50
50	74–76	Plain print cloths: 38½" 64 x 56–5.50 yd 38½" 64 x 60–5.35 yd 38½" 60 x 48–6.25 yd	15	(**)	*32	*14	11	3	72	8	50
51	77	All other plain print cloths of more than 100 threads per sq. in., under 36" width.	40	(**)	-------	-------	15	1	55	5	50
52	78, 79	All other plain print cloths of more than 100 threads per sq. in., under 36" and wider.	15	(**)	*32	*14	15	1	76	5	50
53	80	Pajama checks	-------	-------	-------	-------	5	-------	5	50	-------
54	81	Gauze diaper cloth	-------	-------	-------	-------	5	-------	5	5	-------
55	82	All other fancy print cloths	-------	-------	-------	-------	15	-------	15	5	-------
56	88–91	Carded broadcloths	-------	-------	*65	-------	14	2	79	5	-------
57	92	Carded poplins (print cloth yarns)	-------	-------	*65	-------	12	3	77	2	-------
58	93–96	Three leaf twills (print cloth yarns)	-------	-------	*40	-------	9	-------	49	5	-------
59	97–101, 103, 104	Denims (except sport denims), pinstripes, pincheeks, hickory stripes, etc.	-------	-------	-------	-------	8	1	8	5	-------
60	102	Sport denims	-------	-------	*80	-------	8	1	88	2	-------
61	105–109	Cottonades and suiting coverts, whipcords and Bedford cords.	-------	-------	-------	-------	15	2	15	5	-------
62	110	Ginghams, checks and plaids	-------	-------	-------	*60	15	-------	75	2	-------
63	111, 112	Seersuckers, checks and plaids, stripes	-------	-------	*10	-------	15	-------	25	5	-------
64	113–116	Colored yarn suitings—all cotton, cotton and rayon	-------	-------	*15	-------	15	1	30	5	-------
65	118–121	Shirting coverts; 36" 3.90 yd. chambrays and colored yarn shirtings.	-------	-------	-------	-------	15	1	15	5	-------
66	122	All other chambrays and colored yarn shirtings	-------	-------	*60	*15	15	2	90	2	-------
67	123	Bed tickings	****75	-------	-------	-------	15	-------	****	5	-------
68	124	Turkish or Terry-woven Toweling	-------	-------	-------	-------	10	-------	10	10	-------
69	125	Huck, damask, & Jacquard woven toweling	-------	-------	-------	-------	4	-------	4	10	-------
70	126	Dish toweling, twill and other plain woven toweling.	-------	-------	-------	-------	8	-------	8	10	-------
71	128	Outing Flannels	-------	-------	*35	*10	14	3	59	5	-------
72	129, 130	Work Shirt Flannels	-------	-------	-------	-------	14	-------	14	5	-------
73	131, 132	Canton Flannels	-------	-------	*85	-------	1	-------	86	2	-------
74	133	Interlining Flannels	-------	-------	*10	-------	7	-------	17	5	-------
75	134	Moleskins and Suedes	-------	-------	-------	-------	15	7	15	5	-------
76	135	All other napped fabrics except blankets	-------	-------	-------	-------	15	-------	15	5	-------
77	136	Crib blankets and blanketing	-------	-------	-------	-------	6	1	6	5	-------
78	137–139	Blankets and blanketing other than crib all cotton, cotton and rayon, and containing less than 25% by weight of wool.	-------	-------	-------	-------	15	2	15	5	-------
79	69	Birdseye Diaper Cloth	-------	-------	-------	-------	1	-------	1	5	-------
80	142, 143	Bedspread fabrics, woven style	-------	-------	-------	-------	6	-------	6	5	-------
81	146–148	Drapery, upholstery and tapestry fabrics	-------	-------	-------	-------	4	-------	4	7	-------
82	151–153	Corduroys	-------	-------	-------	-------	9	-------	9	5	-------
83	154, 155	Velvets, velveteens, plushes and other pile fabrics	-------	-------	-------	-------	9	-------	9	5	-------
84	156	Table damask, covers, cloths and napkins	-------	-------	-------	-------	6	-------	6	5	-------
85	157–159	Carded cotton-rayon fabrics, chiefly cotton	-------	-------	*60	*12	8	-------	80	5	-------
86	161	Carded oxfords	-------	-------	*75	-------	15	-------	90	10	-------
87	162	All other carded cotton woven fabrics except carded oxfords	-------	-------	-------	-------	15	-------	15	5	-------
88	-------	All other carded cotton woven fabrics reported on CPA-658B, not elsewhere specified in Distribution Table II	-------	-------	-------	-------	-------	-------	-------	10	-------

*The M-328B program figures in Columns 6 and 7 are included for purposes of explanation and are not controlling, if inconsistent with Order M-328B or its schedules or directions.

**The set-aside of plain print cloths (reference numbers 49–52) for industrial and agricultural purposes may also be used to fill orders certified for the manufacturer of bags controlled by Order M-221.

***The gray-goods percentages in Column 12 for Reference Numbers 36 and 37 apply only to the Column 4 and not to the Column 5 set-asides.

****The set-aside of Bed Tickings (Reference Number 67) for industrial and agricultural purposes (Column 4) during the second quarter of 1946 is to be taken only from production during May 1 through June 30, 1946, inclusive.

INTERPRETATION 1: Revoked Oct. 1, 1945.

INTERPRETATION 2: Revoked Apr. 1, 1946.

[F. R. Doc. 46-7027; Filed, Apr. 26, 1946; 11:47 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[SR 14A, Amdt. 24]

FLUID MILK AND BULK MILK

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Supplementary Regulation No. 14A is amended in the following respects:

I. In § 1499.73a (a) (1) (i) (*a*), the table in subparagraph (1), under "Boroughs of Manhattan, Bronx, Brooklyn and Queens" is amended to read as follows:

(1) *Out-of-store sales and home-deliveries (except retail sales, by hotels, restaurants, and other eating establishments for consumption on the premises).*

Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Out of store	Quart	Glass	15
	do	do	do	Paper	16
	do	To the home	do	Glass	18
	do	do	½ gallon	do	35
Homogenized, vitamin D, or homogenized-vitamin D.	do	Out of store	Quart	do	16
		do	do	Paper	17
		To the home	do	Glass	19
		do	½ gallon	do	37

2. In § 1499.73a (a) (1) (i) (*a*), the table in subparagraph (1), under "Westchester, Richmond, and Nassau Counties" is amended to read as follows:

(1) *Out-of-store sales and home-deliveries (except retail sales by hotels, restaurants, and other eating establishments for consumption on the premises).*

Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Out of store	Quart	Glass	16
		do	do	Paper	17
		To the home	do	Glass	18
		do	½ gallon	do	35
Homogenized, vitamin D, or homogenized-vitamin D.	do	Out of store	Quart	do	17
		do	do	Paper	18
		To the home	do	Glass	19
		do	½ gallon	do	37

3. In § 1499.73a (a) (1) (i) (*a*), the table in subparagraph (1), under "Suffolk County" is amended to read as follows:

(1) *Out-of-store sales and home-deliveries (except retail sales by hotels, restaurants, and other eating establishments for consumption on the premises).*

Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Out of store	Quart	Glass	17
		do	do	Paper	18
		To the home	Quart	Glass	19½
		do	½ gallon	do	38
Homogenized, vitamin D, or homogenized-vitamin D.	do	Out of store	Quart	do	18
		do	do	Paper	19
		To the home	do	Glass	20½
		do	½ gallon	do	40

4. In Section 1499.73a (1) (ii) (*h*), the tables in subparagraphs (1) (2) and (4), under "Boroughs of Manhattan, Bronx, Brooklyn and Queens" are amended to read as follows:

(1) *Sales at wholesale to stores.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	13½
		do	Paper	14½
Homogenized, vitamin D, or homogenized-vitamin D.	do	do	Glass	14½
		do	Paper	15½

(2) *Sales at wholesale to hotels, restaurants, and other eating establishments.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	14½
		do	Paper	15½
		Pint	Glass	9½
		do	Paper	10
		½ pint	Glass	5¼
		do	Paper	5½
		8 to 40 quarts	Can	13
Homogenized, vitamin D, or homogenized-vitamin D.	do	Quart	Glass	15½
		do	Paper	16½
		Pint	Glass	10
		do	Paper	10½
		½ pint	Glass	5½
		do	Paper	5¾
		8 to 40 quarts	Can	14

(4) *Sales to Government agencies or subdivisions (whether wholesale or retail).*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	12¼
		do	Paper	13¼
		Pint	Glass	8½
		do	Paper	9
		½ pint	Glass	4¾
		do	Paper	5
		8 to 40 qts	Can	11½
Homogenized, vitamin D, or homogenized-vitamin D.	do	Quart	Glass	13½
		do	Paper	14½
		Pint	Glass	9
		do	Paper	9½
		½ pint	Glass	5
		do	Paper	5¼
		8 to 40 qts	Can	12¼

5. In § 1499.73a (a) (1) (ii) (*h*), the tables in subparagraphs (1), (2) and (4), under "Westchester, Richmond, and Nassau Counties" are amended to read as follows:

(1) *Sales at wholesale to stores.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	14½
		do	Paper	15½
Homogenized, vitamin D	do	do	Glass	15½
		do	Paper	16½

(2) *Sales at wholesale to hotels, restaurants, and other eating establishments.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	15
		do	Paper	16
		Pint	Glass	9½
		do	Paper	10
		½ pint	Glass	5¼
		do	Paper	5½
		8 to 40 qts	Can	14
Homogenized, vitamin D, and homogenized-vitamin D.	do	Quart	Glass	16
		do	Paper	17
		Pint	Glass	10
		do	Paper	10½
		½ pint	Glass	5½
		do	Paper	5¾
		8 to 40 qts	Can	15

(4) *Sales to Government agencies or subdivisions (whether wholesale or retail).*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	13
		do	Paper	14
		Pint	Glass	8½
		do	Paper	9
		½ pint	Glass	5
		do	Paper	5¼
		8 to 40 qts	Can	12
Homogenized, vitamin D, or homogenized-vitamin D.	do	Quart	Glass	14
		do	Paper	15
		Pint	Glass	9
		do	Paper	9½
		½ pint	Glass	5¼
		do	Paper	5½
		8 to 40 qts	Can	13

6. In § 1499.73a (a) (1) (ii) (*h*), the tables in subparagraphs (1), (2) and (4), under "Suffolk County" are amended to read as follows:

(1) *Sales at wholesale to stores.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	15½
		do	Paper	16½
Homogenized, vitamin D, and homogenized-vitamin D.	do	do	Glass	16½
		do	Paper	17½

(2) *Sales at wholesale to hotels, restaurants, and other eating establishments.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	15½
		do	Paper	16½
		Pint	Glass	10½
		do	Paper	11
		½ pint	Glass	5¾
		do	Paper	6
		8 to 40 qts	Can	14½
Homogenized, vitamin D, and homogenized-vitamin D.	do	Quart	Glass	16½
		do	Paper	17½
		Pint	Glass	11
		do	Paper	11½
		½ pint	Glass	6
		do	Paper	6¼
		8 to 40 qts	Can	15½

(4) *Sales to Government agencies or subdivisions (whether wholesale or retail).*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	13½
		do	Paper	14½
		Pint	Glass	10
		do	Paper	10½
		½ pint	Glass	5¼
		do	Paper	5½
		8 to 40 qts	Can	13
Homogenized, vitamin D, and homogenized-vitamin D.	do	Quart	Glass	14½
		do	Paper	15½
		Pint	Glass	10½
		do	Paper	11
		½ pint	Glass	5½
		do	Paper	5¾
		8 to 40 qts	Can	14

7. In § 1499.73a (a) (1) (ii) (*h*), under "Boroughs of Manhattan, Bronx, Brooklyn and Queens", under "Westchester, Richmond and Nassau Counties", and under Suffolk County, the phrase in paragraph (5), in each instance, reading "plus 1¼¢ per quart" is amended to read "plus 2¼¢ per quart", and the phrase in paragraph (6), in each instance reading "add 1¢ per quart" is amended to read "add 2¢ per quart".

This amendment shall become effective April 25, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

Approved: April 24, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

Approved:

CHESTER BOWLES,
Director, Office of Economic Stabilization.

[F. R. Doc. 46-6949; Filed, Apr. 25, 1946; 11:33 a. m.]

PART 1340—FUEL

[RMPR 122, Amdt. 43]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Section 1340.256 (c) (3) is amended to read as follows:

(3) In the case of Pennsylvania anthracite the amount per net ton for the respective sizes, as follows:

Size:	*Amount per net ton*
Egg, stove and nut	$2.25
Pea	2.05
Buckwheat No. 1	1.50
Rice	1.40
Barley	.90
Smaller than barley	.75

This amendment shall become effective April 26, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7007; Filed, Apr. 25, 1946; 4:31 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 2]

LIVESTOCK SLAUGHTER

PREAMBLE: *The need for this order.* This Control Order 2, with some modifications, reimposes controls formerly imposed by Control Order 1, issued by the Administrator on April 25, 1945. Control Order 1 was suspended on September 8, 1945, and revoked on December 29, 1945.

The basic purpose of Control Order 1 was to secure a more equitable distribution of the civilian meat supply and protect the requirements of the Armed Forces through increasing the amount of livestock available in federally inspected

plants, by placing limits on the amount of livestock which could be slaughtered in non-federally inspected plants. Increasing the supply of meat produced in federally inspected plants carried out the basic purposes of Control Order 1 since Government requirements were satisfied from such plants and such plants ship products across state lines, thus making for more equitable distribution of civilian meat supplies throughout the country.

With the ending of the war and the lessened requirements of the Armed Forces resulting therefrom, it was expected that the controls instituted by Control Order 1 were no longer necessary to secure an equitable distribution of the country's meat supply and satisfy Government needs.

Since the suspension of Control Order 1 and its ultimate revocation, this expectation has not been realized. Moreover, other disturbing conditions have come into being which now necessitate placing controls both on federally inspected slaughterers as well as the non-federally inspected slaughterers. The civilian demand for meat has not at all diminished. Although the requirements of the Armed Forces are not as great as during the war, former members of the Armed Forces are now part of the civilian population and consequently add to the civilian demand for meat. Government procurement requirements are still substantial because of the needs of devastated countries abroad. With the overall demand for meat very much greater than the supply, the absence of slaughter controls now threatens the entire stabilization program because of the present meat and livestock problem.

Since the suspension of Control Order 1 there has been a growing deterioration in the normal distribution pattern of livestock slaughter and meat distribution. Some of the deteriorating conditions have been pointed out in the statement of considerations accompanying the issuance of Amendment 69 to Revised Maximum Price Regulation No. 169. As pointed out there, in the last several months there has been a widespread expansion in custom slaughtering operations which has resulted in a serious threat to effective price control of cattle and beef. Inexperienced livestock buyers have entered the cattle market, started buying cattle and having them custom slaughtered. Although such persons are bound by the maximum-permissible-costs provisions of Maximum Price Regulation 574, which places ceilings on cattle and calves, they either have lacked the experience or intent to make the judgments necessary to stay in compliance with Maximum Price Regulation 574 in the purchase of cattle. One result has been that the market prices for cattle have steadily advanced to a point where experienced and established slaughterers find it increasingly difficult to purchase cattle and stay in compliance with the cattle ceiling regulation. Established slaughterers have had to curtail their purchases of cattle to a point inconsistent with the normal volume requirements needed to remain in business.

Furthermore, the competition for all classes of livestock has resulted in maldistribution of livestock slaughter among the established members of the meat packing industry. Some established slaughterers, because of advantageous location, favorable buying connections or other factors, have been able to expand their livestock slaughter while others are operating only a small proportion of their slaughter capacity.

Those operators unable to secure a reasonable amount of livestock are experiencing serious operative hardships and the dealers and consumers normally dependent on these slaughterers for their meat supplies are not obtaining their rightful share of this important food.

The result has been an abnormal distribution of livestock slaughter even among federally inspected slaughterers. Some federally inspected slaughterers have expanded their slaughter far beyond their normal volume, while the slaughter of others is below their normal volume.

The continued unprecedented demand for meat and an apparent industry slaughter capacity far exceeding available livestock receipts are placing undue pressure on livestock ceilings, causing disruptions and dislocations in the normal channels of livestock slaughter.

In order to help correct the situation, the Administrator imposed certain restrictions on custom slaughtering operations by Amendment 69 to Maximum Price Regulation 169, effective April 1, 1946. This merely identified persons who might have livestock custom slaughtered, but did not in any way limit the volume of their slaughter. The Government agencies possessing responsibilities in livestock and meat problems have now determined that such control on custom slaughtering operations is insufficient to correct the problem. The Secretary of Agriculture and the Administrator of the Office of Price Administration have determined that control over the volume of livestock slaughter must be placed upon all slaughterers, federally inspected slaughterers as well as the non-federally inspected slaughterers.

Narrowing the gap between overall livestock receipts and industry capacity should quiet the existing scramble for livestock by more equitably dividing supplies among established operators. The Secretary of Agriculture is issuing War Food Order 75.7 limiting the volume of slaughter which may take place in any one federally inspected plant, including the volume of custom slaughtering in such plant. This Control Order 2, issued by the Administrator of the Office of Price Administration, controls the volume of slaughter in non-federally inspected plants. The two orders are expected to have the effect of creating a more equitable distribution of livestock among slaughterers, thus taking the intense pressure off the cattle price ceilings, aiding in the effective enforcement of meat and livestock ceiling prices, improving the distribution of meat in this country and facilitating government procurement of meat.

The two orders will not at all limit the amount of total slaughter of livestock in the country. The limitation existing on the slaughter volume of individual slaughterers at any one time will merely have the effect of cutting the expanded slaughter operations of some operators so that other slaughterers may more nearly reach normal slaughter volume.

How Control Order 2 works. Slaughterers have been divided into three classes, Class 1 slaughterers, Class 2 slaughterers and Class 3 slaughterers. A Class 3 slaughterer is a resident operator of a farm who slaughtered livestock or had livestock slaughtered for him and from which he sells or transfers during any consecutive 12-month period beginning on or after April 1, 1945, not more than 6,000 pounds of meat derived from the slaughter of his livestock by him or custom slaughtered for him.

Class 2 slaughterers include all other slaughterers except Class 1 slaughterers which are defined as federally inspected slaughterers or non-federally inspected slaughterers receiving certification from the Secretary of Agriculture under War Food Order No. 139, as amended. Class 1 slaughterers are not governed by this order.

As pointed out above, the maximum slaughter limits on federally inspected plants are covered by the order issued by the Secretary of Agriculture. In view of section 3A of the Stabilization Act of 1942, as amended, this Control Order 2 places no limitations upon the volume of slaughter taking place in a non-federally inspected plant which receives a valid certification by the Secretary of Agriculture pursuant to the provisions of War Food Order No. 139, as amended.

This Control Order 2 does not limit the amount of livestock which a farm operator may slaughter or have custom slaughtered for him primarily for home consumption.

The Class 2 slaughterers who had licenses and quota bases under Control Order 1 are not required to apply for licenses and quota bases under this Order. Class 2 slaughterers not required to apply under this Order include those Class 2 slaughterers who (1) registered and received a license and quota bases under Control Order 1, and (2) who did not sell or transfer the slaughtering establishment covered by such license, and (3) whose license was not cancelled or revoked pursuant to the provisions of Control Order 1. Under Control Order 2 such a Class 2 slaughterer's license and quota bases under Control Order 1 are treated for all purposes as a license and quota bases under Control Order 2. However, if such a Class 2 slaughterer no longer has the license issued to him under Control Order 1, he must apply in writing to his District Office for issuance of a duplicate license.

A Class 2 slaughterer who slaughtered during the appropriate period and who was entitled to a license and the assignment of quota bases under Control Order 1 but did not receive quota bases and a license may apply to the District Office under Control Order 2 and receive quota bases and a license.

In the event a Class 2 slaughterer acquired between September 1, 1945, and the issuance date of this order a slaughtering establishment covered by a valid license and quota bases under Control

Order 1, he must apply to his District Office for issuance of a license and assignment of quota bases as a transferee of an establishment for which a valid license and quota bases were outstanding under Control Order 1.

Each Class 2 slaughterer who has quota bases shall be given a quota for the slaughter of each of the following species of livestock: cattle, calves and swine. The quotas are determined by applying fixed percentages to the slaughterer's quota bases. These percentages are to be sent out in supplements to the order and will be changed from time to time as the supply of the different species of livestock changes. Production percentages will be fixed as high as possible consistent with the aim of providing a fair ratio of slaughter among all slaughterers.

A Class 3 slaughterer is limited to selling or transferring, during any six consecutive months, 3,000 pounds of meat derived from his slaughter and custom slaughter for him. If, however, such a slaughterer sells or transfers during any consecutive 12-month period, beginning on or after April 1, 1945, more than 6,000 pounds of meat derived from livestock slaughtered by him, or custom slaughtered for him, he automatically becomes a Class 2 slaughterer and subject to all of the provisions provided in the order for a Class 2 slaughterer.

Provision is made that if a Class 2 slaughterer does not slaughter his entire quota for any species during any quota period, he may use the unused part of that quota up to a maximum of 5 percent of that quota during the next quota period. The order also provides that no Class 2 slaughterer may slaughter during the first half of any quota period more than 60 percent of his quota for each species.

Quota periods for the slaughterer for purposes of the order are the same as the accounting periods used in computing maximum permissible cattle costs under Maximum Price Regulation 574 or filing subsidy claims with the Reconstruction Finance Corporation.

The order also provides for a situation when a Class 2 slaughterer during a quota period slaughters livestock of any species in excess of his quota for that species for that period. In the event of such excess slaughter, his quota for that species for the next period is reduced by the amount of the excess. If the amount of the excess is greater than his quota for that species for the succeeding period, he may not use any part of his quota for that species for the succeeding periods until the total of the subsequent quotas for that species exceeds the amount of the excess. These restrictions do not in any way take the place of the liabilities of the slaughterer to penalties or proceedings which are authorized by law for the slaughterer exceeding his quota.

The order contains provisions for the cancellation, revocation and reduction of quotas where a Class 2 slaughterer is under an administrative suspension order.

A Class 2 slaughterer whose quota bases were established on the live weight of livestock custom slaughtered for him, must continue to have the same custom slaughterer slaughter such livestock for him during the quota periods in order to use that part of his quota based upon livestock custom slaughtered for him.

Throughout the order the person that owns the livestock at the time of slaughter is defined as the slaughterer. In the case of custom slaughtering operations, however, the person who slaughters livestock which he does not own, as a service for the owner of such livestock, is defined as a custom slaughterer. If a custom slaughterer or his transferee refuses or is unable to continue to slaughter for a Class 2 slaughterer whose quota is based upon slaughter by such custom slaughterer, the Class 2 slaughterer may apply to the District Office for permission to have his livestock slaughtered by himself or by another custom slaughterer.

If a Class 2 slaughterer sells or transfers his slaughtering establishment to a transferee, the transferee does not automatically obtain the transferor's quota bases and license. Application in writing must be made to the District Office by the transferor and transferee for assignment of the quota bases of the transferor to the transferee for that establishment.

Provision is inserted in the order for registration of new Class 2 slaughterers who desire to operate slaughtering establishments. Application must be filed with the District Office. The order provides that generally such application will not be granted unless it is found that (1) the operation of the establishment is essential to meet the needs in the area it will serve, and (2) the products it will produce cannot be obtained from any other source in the area to be supplied. In addition, a Class 2 slaughterer may apply for a license and quota bases if he made a substantial investment in a slaughtering establishment which he began operating between September 1, 1945 and the effective date of the order or which he began constructing during this period.

A veteran who does not have quota bases and a license to slaughter may become a Class 2 slaughterer and receive a license and quota bases by satisfying the requirements of Supplementary Order No. 143 issued by the Administrator. A veteran may also apply for a license and quota bases if, between September 1, 1945 and the issuance date of the order, he became the principal owner and active head of a wholesale or retail meat establishment and secured meat for such establishment by having livestock custom slaughtered for him.

The order contains a section providing for adjustment of quota bases or granting other relief to Class 2 slaughterers. Class 2 slaughterers who seek adjustments in their quota bases or other relief must file an application with the District Office. These provisions will provide relief in meritorious cases.

The Order contains a section providing for the custom slaughter of "Club" livestock under certain conditions by persons other than Class 2 or Class 3 slaughterers.

Class 2, Class 3, and custom slaughterers are required to make and keep certain records. In addition each Class 2 slaughterer and custom slaughterer must file a report with his District Office within 10 days after the end of each quota period.

The Order also provides that each Class 2 slaughterer must mark on each accessible wholesale cut of wheat, detached or undetached from the carcass, the number of the Office of Price Administration license issued to him or the establishment number assigned by a state, county or city meat inspecting authority. If the Office of Price Administration license number is not used, notification must be given the District Office of the use of the number assigned by a state, county or city meat inspecting authority. Not only is it a violation of the order for a transfer to be made of meat which is not appropriately marked, but it is likewise a violation of the order for any person to acquire meat which does not bear the marking as required by the order.

AUTHORITY: § 1407.311 issued pursuant to Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319; War Food Order No. 59, 8 F.R. 3471; 9 F.R. 4319; War Food Order No. 61, 8 F.R. 3471; 9 F.R. 4319; War Food Order 123, 10 F.R. 1125, 4194.

SECTION 1. *Definition of terms.* (a) As used in this order:

"Class 2 slaughtering establishment" means any place, other than a Class 1 slaughtering establishment or a Class 3 slaughtering establishment, at which a person slaughters cattle, calves or swine (other than cattle, calves or swine which he custom slaughters there).

"Class 3 slaughtering establishment" means any place, other than a Class 1 or Class 2 slaughtering establishment from which a person sells or transfers, during any consecutive 12 month period beginning on or after April 1, 1945, not more than 6,000 pounds of meat derived from slaughter by him of livestock at that place, or from custom slaughterer of livestock for him, if such place is a farm and such person is the resident operator of the farm. (Meat derived from custom slaughter of his livestock and sold or transferred by such person at or from the establishment of the custom slaughterer shall, for the purpose of this paragraph, be considered as having been sold or transferred by him from said farm.)

"Class 1 slaughterer", as used in this order, means a person who slaughters livestock or has his livestock custom slaughtered for him, in a Federally inspected slaughtering establishment as defined by War Food Order 75–7, or who slaughters livestock in an establishment for which there has been issued a valid certificate under War Food Order 139, as amended, or who has livestock custom slaughtered for him in such an establishment to the extent to which such custom slaughter for him is covered by a valid certificate issued under War Food Order 139, as amended. A Class 1 slaughterer is not subject to this order.

"Class 2 slaughterer" means any person who has a Class 2 slaughtering establishment. Any person, other than a Class 1 or Class 3 slaughterer, who has cattle, calves or swine which he owns slaughtered for him by a custom slaughterer, is also a Class 2 slaughterer with respect to any such livestock.

"Class 3 slaughterer" means any person who has a Class 3 slaughtering establishment. Any person who slaughters his livestock, or has it custom slaughtered for him, primarily to produce meat for consumption in his household or on a farm he operates, under the conditions specified in section 5 of this order, is also a Class 3 slaughterer if, during any consecutive 12 month period beginning on or after April 1, 1945, he sells or transfers not more than 6,000 pounds of the meat derived from the slaughter of his livestock by him or custom slaughter of his livestock for him.

"Custom slaughterer" means any person (except a Class 1 slaughterer as herein defined) including a Class 2 or Class 3 slaughterer, who slaughters cattle, calves or swine not owned by him for the owner of such livestock. However, a person who slaughters livestock owned by a Class 3 slaughterer at the livestock owner's Class 3 slaughtering establishment is not a custom slaughterer with respect to such slaughter.

"Accounting period" means the customary accounting period of a calendar month or a period of at least 4 weeks and not more than 5 weeks in length used by the slaughterer in keeping his books and records and shall be the same period used by him in making reports required by Regulation No. 3 of the Reconstruction Finance Corporation or Maximum Price Regulation 574 of the Office of Price Administration.

"District Office" means a District Office established by the Office of Price Administration.

"Establishment" means each separate plant within the continental United States where livestock is slaughtered.

"Livestock", as used in this order, means cattle, calves and swine.

"Live weight" means the purchase weight of livestock slaughtered, except that if the livestock have been fed for more than 30 days after purchase by the slaughterer, live weight means the transfer weight from feed lots.

"Meat" means the carcass or any edible part of the carcass of cattle, calves or swine, including edible offal, bones and skins.

"Person" means not only an individual but also a partnership, corporation, association, or business trust. It includes a government, government agency, and any other organized group or enterprise.

"Quota" means the total live weight of livestock, by species, which is determined by multiplying the quota base for that species by the quota percentage set out for that species in a supplement to this order.

"Quota base" means the live weight of livestock which appears on a Class 2 slaughterer's license for the base period corresponding with the quota period.

"Quota period" and "interim quota period." Quota period means a calendar month or a period of at least 4 weeks, and not more than 5 weeks. Quota periods must correspond to the base periods shown on the Class 2 slaughterer's license and shall be the same periods used by him in making reports required by Regulation No. 3 of the Reconstruction Finance Corporation or Maximum Price Regulation 574 of the Office of Price Administration. Interim quota period means the period between April 27, 1946, and the date of the first complete quota period beginning on or after April 28, 1946.

"Regional Office" means any Regional Office of the Office of Price Administration.

"Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer or possession of title, however accomplished, and any movement of goods from one establishment to another. The use by any person of meat, which he produced or holds for sale or transfer, is considered a transfer of meat to himself. Where meat ordered by a transferee is delivered by the transferor to a common or contract carrier for shipment and delivery by the carrier or a connecting common carrier to the transferee (whether or not actually consigned to the transferee), and no transfer of the meat to the transferee has previously occurred, the meat is considered to be transferred at the time when it is delivered to the carrier. However, delivery to a common or contract carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

"Washington Office" means the national office of the Office of Price Administration.

"Wholesale cut" means a wholesale cut as defined in Revised Maximum Price Regulation 148 and Revised Maximum Price Regulation 169 issued by the Office of Price Administration.

SEC. 2. *General restrictions on slaughter of livestock and transfers of meat.* (a) Beginning April 28, 1946, notwithstanding the provisions of any contract or other agreement:

(1) No person subject to this order may slaughter cattle, calves, or swine except in accordance with the provisions of this order.

(2) No Class 2 slaughterer may slaughter cattle, calves or swine, other than as a custom slaughterer, unless he has a quota under the provisions of this order.

(3) No person, other than a Class 3 slaughterer, may slaughter cattle, calves or swine, or sell or transfer meat resulting from his slaughter of such livestock, or from slaughter for him by a custom slaughterer of such livestock, unless he has a Class 2 slaughterer's license and quota.

(4) No custom slaughterer may slaughter livestock for the owner of such livestock unless such owner is permitted to have such livestock custom slaughtered for him under the provisions of this order.

SEC. 3. *Class 2 slaughterers who held licenses and quota bases under Control Order 1 need not register under this order.* (a) Any Class 2 slaughterer who registered and received a license and quota bases under Control Order 1, issued by the Office of Price Administration on April 25, 1945, and who did not sell or transfer the slaughtering establishment covered by such license, and whose license was not cancelled or revoked pursuant to the provisions of Control Order 1, need not apply for a license or quota bases under this Control Order 2. His license and quota bases under Control Order 1 are treated, for all purposes of this order, as a license and quota bases under Control Order 2. If he no longer has the license issued to him under Control Order 1, he may not slaughter livestock or have livestock custom slaughtered for him, until he has obtained a duplicate license. However, if he makes application therefor, in writing to his District Office, on or before May 15, 1946, he may continue to operate pending the action of the District Office.

(b) A Class 2 slaughterer who acquired, between September 1, 1945 and April 25, 1946, a slaughtering establishment covered by a valid license and quota bases under Control Order 1, need not apply for a license or quota bases for such establishment under this order in the way provided in section 15. In such a case, the transferee of the establishment must apply to his District Office, in writing, for issuance of a license and assignment of quota bases as a transferee of an establishment for which a valid license and quota bases were outstanding under Control Order 1 and must give the following information:

(1) The name and address of the applicant;

(2) The name and address of the Class 2 slaughtering establishment.

(3) The name and address of the person who held a license under Control Order 1 covering such establishment.

(4) The date on which the establishment was transferred to the applicant.

(5) The license of the transferor shall accompany the application, unless proof be furnished that it has been lost or destroyed.

(6) Documents or other proof of the transfer.

If the District Office finds the conditions of this paragraph are met, it shall issue a new license to the applicant, and assign to him the quota bases established under Control Order 1 for the establishment and cancel the transferor's license and quota bases. If the transferee applies by May 15, 1946, he may continue to operate the establishment until the new license is received. The license and quota bases of the transferor of the establishment shall be treated as the transferee's license and quota bases for all purposes of this order. If such application is not made on or before May 15, 1946, the transferee may not slaughter any livestock after that date until he has made such application and received the license and quota bases applied for.

SEC. 4. *Class 2 slaughterers who had livestock custom slaughtered for them.* (a) Any Class 2 slaughterer whose quota bases were established on the live weight of cattle, calves or swine slaughtered for him by a custom slaughterer, may use the quota based upon such slaughter only to the extent to which he has the same custom slaughterer slaughter such livestock for him during the quota period.

(b) If the business of a custom slaughterer is transferred to another person for continued operation, any Class 2 slaughterer who is permitted under (a) to have livestock custom slaughtered for him may have the transferee custom slaughter livestock for him just as if the transferee were the original custom slaughterer.

(c) If a custom slaughterer, or his transferee, refuses or is unable to continue to slaughter for such a Class 2 slaughterer, the Class 2 slaughterer may apply to his District Office for permission to have his livestock slaughtered by himself or by another custom slaughterer. The application must be made in writing and must show:

(1) The name and address of the slaughterer who formerly custom slaughtered for him;

(2) The reasons why such custom slaughterer will no longer slaughter for him; and

(3) Where, and by whom, such slaughter will be done for him.

If the District Office finds that the custom slaughterer refuses or is unable to continue to slaughter for the applicant, it shall permit the applicant to slaughter his livestock himself, or to have it slaughtered by the custom slaughterer named in his application. However, the Class 2 slaughterer must continue to serve the same general class of customers in the same areas that he had served previously. If he is permitted to have another custom slaughterer slaughter for him, he shall be subject, with respect to that custom slaughterer, to the provisions of paragraph (a) of this section just as if that custom slaughterer had formerly slaughtered livestock for him.

SEC. 5. *Livestock producers may slaughter their own livestock or have it custom slaughtered for them primarily for home consumption, without limitation.* (a) Notwithstanding any other provision of this order, a person may slaughter livestock or have it custom slaughtered for him primarily for consumption in his own household, or on a farm he operates, without restriction as to quantity if:

(1) He either operates a farm at which he resides more than six months a year; or

(2) He actually supervised the raising of the livestock and was on the premises on which the livestock was raised at least one third of the days during the applicable period specified in subparagraph (3); and

(3) The livestock was raised on premises operated by him:

(i) From birth to the moment of slaughter; or

(ii) For at least 60 days immediately preceding slaughter; or

(iii) For a period immediately preceding slaughter during which its weight was increased by at least 35% of its weight when acquired.

SEC. 6. *Class 3 slaughterers have maximum quotas.* (a) Any Class 3 slaughterer may sell or transfer, during any consecutive 6 month period beginning on or after April 28, 1946, up to and including not more than 3,000 pounds of meat resulting from his own slaughter of livestock (excluding transfers of meat resulting from custom slaughter of livestock by the Class 3 slaughterer for the owner of such livestock), or from custom slaughter of livestock for him.

SEC. 7. *Establishment of quotas for Class 2 slaughterers.* (a) Each Class 2 slaughterer who has a quota base shall have, for each quota period beginning on or after April 28, 1946, a quota for slaughter of livestock. The quota of any such slaughterer for any quota period is determined by multiplying his quota base for that period by the applicable percentage, set out in a supplement to this order.

(b) Each Class 2 slaughterer whose quota period does not begin on April 28, 1946, shall have a quota for the interim quota period. The quota for the interim quota period is computed as follows:

(1) Determine the quota for each species of livestock for the quota period in which the date April 28, 1946 occurs, by multiplying the quota base for that quota period for each species of livestock by the applicable percentage set out in a supplement to this order for the quota period beginning on or after April 28, 1946.

(2) Divide the quota for each species obtained in (1) above by the number of days in the quota period in which the date April 28, 1946 occurs.

(3) Obtain the quota for each species for the interim quota period by multiplying the result in (2) above for each species by the number of days between April 27, 1946, and the date of the first quota period beginning on or after April 28, 1946.

(c) No Class 2 slaughterer may slaughter, during the first half of any quota period beginning on or after April 28, 1946, more than 60% of his quota for that period.

SEC. 8. *Custom slaughter of "Club" livestock permitted under certain conditions.* (a) Any person not permitted to slaughter livestock under this Order or War Food Order 75–7, but who acquires livestock from members of 4–H Clubs, Future Farmers of America, or other recognized youth organizations, at sales made at the place and time of a fair, show, or exhibition, may, if such sales were previously approved by the District Office of the Office of Price Administration upon application of a county agent, county club agent, vocational agricultural instructor, or the chief administrator of the state department of agriculture, apply for permission to have such livestock custom slaughtered for sale or transfer even though he does not have a quota under this order. He must apply, in writing, to the District Office which approved the sale, and must state:

(1) The name and location of the fair, show, or exhibition where the sale took place;

(2) The date of such sale;

(3) The kind and number of head of livestock purchased by him and the live weight of each;

(4) That he is not permitted to slaughter livestock under Control Order 2; and

(5) The name and location of the establishment at which he intends to have such livestock custom slaughtered.

He must also attach to his application the certification issued to him at the time the livestock was acquired that the livestock covered by the application was acquired by him at the fair, show or exhibition where the sale took place.

(b) If the District Office finds that the applicant satisfies the conditions of this Section, it shall authorize him, in writing, to have such livestock custom slaughtered for him by the custom slaughterer designated in the application. A copy of such authorization shall be sent to the custom slaughterer designated in the application.

(c) When the applicant receives such authorization he may have the livestock described in his application custom slaughtered for him by the custom slaughterer named in the authorization. The applicant must also give the custom slaughterer the original authorization.

(d) The custom slaughterer must attach the original authorization to his report for the period in which the livestock was slaughtered.

SEC. 9. *Class 2 slaughterers may not slaughter livestock or transfer meat in excess of quota.* (a) No Class 2 slaughterer may slaughter, except as a custom slaughterer, during the interim quota period or any quota period, more live weight of livestock of any species than his quota for that species for that period. However, if any such slaughterer does

not slaughter his entire quota for any species during the interim quota period or any quota period, he may use the unused part of that quota, up to a maximum of 5% of that quota, during the next quota period.

(b) If any Class 2 slaughterer, during the interim quota period or any quota period, slaughters livestock of any species in excess of his quota for that period (including any carryover from the preceding period in accordance with (a) above), of his quota for that species for that period, nor for any succeeding period until the excess. If the amount of the excess is greater that his quota for that species for that period, he may not use any part of his quota for that species for that period, nor for any succeeding period until the total of his subsequent quotas for that species exceeds the amount of the excess. The restrictions in this paragraph are in addition to any actions, penalties or proceedings which may be authorized by law for his failure to comply with paragraph (a) of this section.

(c) (1) A class 2 slaughterer against whom there is in operation an Administrative Suspension Order issued pursuant to Revised Procedural Regulation 4 which suspends him from slaughtering livestock (or having livestock custom slaughtered for him) or from selling or transferring meat derived from slaughter of livestock by himself, or from custom slaughter of livestock for him, shall have his quotas for each quota period during which the suspension order is in effect cancelled or revoked.

(2) However, for any quota period in which the suspension order is in operation for only part of that period, his quota shall be reduced as follows:

(i) Divide his quota for each species of livestock by the number of calendar days in that quota period;

(ii) Multiply the result in (i) by the number of calendar days in that quota period during which the suspension order was not in effect;

(iii) The result in (ii) is the Class 2 slaughterer's quota for each species of livestock which may be slaughtered by him or custom slaughtered for him during that quota period.

(3) Notwithstanding the provisions of (2) above, in any case in which the suspension order becomes effective after the commencement of the quota period and remains in effect for the balance of that period, the Class 2 slaughterer's quota for the slaughter of each species of livestock by him or for the custom slaughter of such livestock for him for that quota period shall be deemed cancelled and revoked to the extent of the portion thereof which has not been used at the time the suspension order became effective.

(4) The restrictions in this paragraph (c) as to the cancellation, revocation or reduction of quotas may be superseded in a particular case by express provisions of the suspension order, and additional restrictions may be imposed in that order. Nothing in this paragraph (c) shall be construed to affect or modify in any way the conditions, restrictions or prohibitions of the suspension order.

SEC. 10. *Slaughterers who have more than one slaughtering establishment must operate them separately.* If a slaughterer has more than one slaughtering establishment, each such establishment is treated separately and must be operated separately for all the purposes of this order, just as if each were owned by a different person. However, where a slaughterer does not operate at a fixed place, his slaughtering operations as a whole are regarded as a single establishment.

SEC. 11. *Class 2 slaughterers must mark meats.* (a) Beginning April 28, 1946, every Class 2 slaughterer, before selling or transferring any meat resulting from slaughter of livestock by him, or custom slaughter of livestock for him, (except meat resulting from custom slaughter of livestock by him for the owner of such livestock) must mark on each accessible "wholesale cut" of such meat, whether in the entire carcass or detached therefrom, the number of the Office of Price Administration license (OPA Form MC–5) issued to him, under which the livestock was slaughtered. In the case of a calf carcass, with the skin on, he must mark such license number only on the hind shanks and brisket. The marking must be clear and conspicuous and the numerals and letters must be at least ¼ inch in height and width. The required markings must be made with a Kosher marking pencil or with a stamp or stencil, using marking fluid conforming with the following violet branding fluid formula:

	Ounces
Water	3.5
Grain alcohol	2.5
Cane sugar	1.0
Methyl violet	0.1

(The methyl violet is dissolved in alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of methyl violet.)

(b) Any Class 2 slaughterer who has an establishment number assigned by a State, county or city meat inspecting authority may use that number for the purpose of marking meats under this Section instead of his OPA license number specified in (a). However, if he wishes to do so, he must, before using that number for that purpose notify his District Office in writing that he intends to use the establishment number assigned him by a State, county or city meat inspecting authority instead of his OPA license number. The notice must state:

(1) The number he intends to use;

(2) The name of agency which issued such number to him; and

(3) The OPA license number in place of which he intends to use that number.

In addition, he must enter that number on his applicable OPA Form MC–5 immediately below the OPA license number shown thereon.

(c) The marking requirement of this section shall not apply to meat transferred by a Class 2 slaughterer to a unit or department of such slaughterer for use in the preparation, manufacture or production of any product other than meat, if the meat so transferred resulted from slaughter of livestock by him or custom slaughter of livestock for him.

(d) Beginning April 28, 1946, a person who acquires a calf carcass with the skin on, may not sell, transfer or break such carcass after removal of the skin unless he marks on each accessible wholesale cut of such meat the establishment number or the Office of Price Administration license number marked on the hind shanks and brisket. The marking shall be made in the manner specified in (a) of this section.

(e) Subject to (a) and (d) of this section:

(1) A person may sell or transfer, and a person may acquire, any livestock carcass other than a calf carcass with the skin on, only if each accessible wholesale cut undetached from the carcass bears the marketing required by this section.

(2) A person may sell or transfer, and a person may acquire, a calf carcass with the skin on, only if the hind shanks and brisket bear the marking required by this section.

(3) A person may sell or transfer, and a person may acquire, a wholesale cut of meat detached from the carcass, only if the wholesale cut bears the marking required by this section.

SEC. 12. *Sale or transfer of Class 2 slaughtering establishment.* (a) When any Class 2 slaughterer sells or transfers to any other person for continued operation his slaughtering establishment or his place of business for which he holds a quota, he and the transferee must notify the District Office. The notice must be given in writing within five days after the sale or transfer and must show:

(1) The name and address of the establishment and of the persons transferring and acquiring it;

(2) The quota bases of the slaughterer;

(3) Whether the transferee will continue to serve, from that establishment, the same general class of customers in the same area served by it before the transfer.

(b) If the District Office finds that the establishment will continue to be operated in the same manner as before the transfer, and that the transferee will continue to serve from that establishment the same general class of customers in the same area served by it before the transfer, it shall assign the quota bases of the transferor to the transferee for that establishment, and shall cancel the license of the transferor.

(c) The transferee of a Class 2 slaughterer may slaughter cattle, calves or swine during the balance of the quota period in which the transfer takes place only to the extent of the unused portion of the quota of his transferor for that period.

(d) No such transfer and assignment of license and quota bases may be made during the existence of a suspension order resulting from a violation of this order.

(e) If a Class 2 slaughterer wishes to move all or part of the business of the establishment to another place, the moving is to be treated as a transfer to a different person under (a), (b) and (c) of this section. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee.

SEC. 13. *Changes in operation from one type of slaughtering establishment to another.* (a) (1) Any Class 2 slaughterer who has obtained for his establishment Federal Inspection, or certification from the Secretary of Agriculture, or his designee, pursuant to War Food Order 139, as amended, must within five (5) days after such inspection or certification is obtained, surrender his Office of Price Administration license to his District Office together with a statement that he has obtained for the establishment covered by the license Federal Inspection or certification pursuant to War Food Order 139, as amended, as the case may be. If he has obtained certification pursuant to War Food Order 139, as amended, his statement must include each species of livestock covered by the certification.

(2) If the District Office finds that he has obtained for his establishment Federal Inspection, or certification from the Secretary of Agriculture, or his designee, pursuant to War Food Order 139, as amended, it shall cancel his license as a Class 2 slaughterer. However, if the certification obtained by a Class 2 slaughterer covers one or more, but not all, the species of livestock for which he has been issued quota bases, the District Office shall cancel his quota for the species of livestock covered by the certification and issue to him a new license, on OPA Form MC–5, containing his quota bases for the species of livestock not covered by the certification, as to which he shall remain a Class 2 slaughterer.

SEC. 14. *Registration of new Class 2 slaughterers.* (a) Any person who wishes to open a Class 2 slaughtering establishment, may apply for registration as a Class 2 slaughterer and for assignment to him of quota bases. Generally, no such application will be granted unless it is found that:

(1) The operation of the establishment is essential to meet civilian needs in the area it will serve; and

(2) The products it will produce cannot be obtained from any other source in the area to be supplied.

(b) The application must be made on OPA Form MC–10 and must be filed with the District Office for the place where the applicant's establishment is or will be located, and must give all the information required by the form and any additional information requested by the District Office.

(c) The District Office must forward the entire file to the Regional Office, with its recommendation for decision, and take such other action as the Regional Office may authorize or direct.

(d) A Class 2 slaughterer who already has a quota, may not open another slaughtering establishment and use his quota there, unless he applies under this section and is given permission to do so.

SEC. 15. *Registration and computation of quota bases for persons who began operating or constructing a Class 2 slaughtering establishment between September 1, 1945 and April 25, 1946.* (a) Any person who, during the period between September 1, 1945 and April 25, 1946, began operating or constructing a Class 2 slaughtering establishment in which he made a substantial financial investment, may apply to his District Office for issuance of a license and quota bases. The application must be made on OPA Form MC–11 on or before May 15, 1946 and must contain the following information:

(1) The name and address of the applicant;

(2) The name and address of the Class 2 slaughtering establishment;

(3) The date the applicant started operating the establishment;

(4) The total live weight of each species of livestock he slaughtered from the date he started operation to April 28, 1946;

(5) The slaughtering capacity of the establishment, by species, including a description of the physical equipment used for slaughtering and cooling;

(6) The financial investment made by the applicant with the total amount paid for all tools, machinery, equipment and real estate for the slaughtering establishment.

(b) The District Office must forward the entire file to the Regional Office with its recommendation for decision and take such other action as the Regional Office may authorize or direct. If the Regional Office finds that the applicant is eligible to apply as a Class 2 slaughterer, it will authorize the District Office to issue a license to the applicant and assign quota bases for the establishment.

(c) If the Class 2 slaughterer described in paragraph (a) slaughtered livestock between September 1, 1945 and April 25, 1946, he may continue to slaughter livestock until he is granted or denied a license by the District Office. The amount he is permitted to slaughter each week is based on the following computation:

(1) List the total live weight of livestock by species slaughtered during the period September 1, 1945 to April 25, 1946.

(2) Compute the number of weeks the establishment was operated (a fraction of a week is considered a full week).

(3) Divide the total weight of each species of livestock slaughtered by the number of weeks he operated.

(4) The result is the weekly quota base for each species of livestock.

(5) The weekly quota base for each species is multiplied by the appropriate quota percentage for the applicable quota period.

Before the Class 2 slaughterer may slaughter any livestock under this section, a copy of this computation must be forwarded to the District Office together with application for a license. Within fifteen (15) days after he obtains his license he shall report the amount of his slaughter for each week.

(d) If the Class 2 slaughterer described in paragraph (a) did not slaughter livestock between September 1, 1945 and April 25, 1946, he may not slaughter any livestock until he has received a license and quota bases for the establishment from his District Office.

SEC. 16. *Registration of veterans as Class 2 slaughterers.* (a) Any "veteran", as defined in Supplementary Order No. 143, may apply for a class 2 slaughterer's license and quota bases by complying with all the requirements of the above supplementary order. Application must be made on Form MC–9.

(b) In addition, any "veteran," as defined in Supplementary Order No. 143, may apply for a Class 2 slaughterer's license and quota bases if, between September 1, 1945 and April 25, 1946, he had the controlling interest in and was the active head of a retailer wholesale meat establishment or Class 2 slaughtering establishment and had livestock custom slaughtered for him during such period for the sole purpose of supplying his meat establishment with meat or slaughtered livestock at his Class 2 slaughtering establishment, and if he otherwise complies with the requirements of Supplementary Order No. 143, application must be made on Form MC–9.

SEC. 17. *Application may be made for adjustments or other relief.* Any person other than a Class 1 or Class 3 slaughterer who needs an adjustment, or other relief, may apply in writing to his District Office. He must state in his application all facts which he claims show his need for the adjustment, or relief and the nature and amount of the adjustment or relief he requests. He must also give any other information that the District Office requests. The District Office must forward the entire file to the Regional Office with its recommendation for decision, and take such action as the Regional Office may authorize or direct.

SEC. 18. *Suspension orders.* (a) Any person who violates any provision of this order may be prohibited by administrative suspension order from slaughtering livestock or having livestock custom slaughtered for him or selling or transferring any meat derived from such slaughter. Such suspension order shall be issued pursuant to Revised Procedural Regulation 4 for such period as, in the judgment of the Administrator or such person as he may designate for that purpose, is necessary and appropriate in the public interest or to promote the national security.

SEC. 19. *Appeals and review.* (a) Any person directly affected by the action of a District Director or Regional Administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation 4 of the Office of Price Administration.

(b) The Administrator reserves the right to review any action taken by the District Director or Regional Administrator pursuant to this Order and may change or modify same as he may deem appropriate.

SEC. 20. *Subsidies.* Any person who violates any provisions of this order shall, in accordance with Directive No. 41, as amended, of the Office of Economic Stabilization, be subject to the withholding by the Reconstruction Finance Corporation of meat subsidy payments claimed by such person.

SEC. 21. *Records, reports and inspections.* (a) Within ten (10) days after the end of each quota period, every Class 2 slaughterer and custom slaughterer must file a report on OPA Form MC–6, in

duplicate, with his District Office. He must give all information called for by the Form. If more than one of his establishments are registered with the same District Office, his reports must include all these establishments. If he has establishments registered with different District Offices, he must file with each District Office a separate report which shall include all the establishments registered with that Office. A report for the interim quota period must be made on OPA Form MC–6 at the same time that the Class 2 slaughterer makes his report for the first quota period beginning on or after April 28, 1946.

(b) Each Class 2 slaughterer must keep, at each of his establishments, a record showing, for that establishment:

(1) The live weight of all cattle, calves or swine, stated separately for each such species, which he slaughtered during the interim quota period as well as each quota period;

(2) The name and address of each person who custom slaughtered cattle, calves and swine for him, and the live weight of each such species of livestock custom slaughtered for him during the interim quota period as well as each quota period by that person; and

(3) He must keep a copy of his registration and license under this order, and the records upon which that registration was based;

(4) With respect to his slaughter of livestock for others, he must also keep the records specified in (d) below.

(c) Each Class 3 slaughterer must keep, at each of his establishments, a record showing, for that establishment:

(1) The quantity of meat, in pounds, resulting from his slaughter of cattle, calves and swine, which he sold or transferred including the dates of such slaughter.

(2) The quantity of meat, in pounds, resulting from the custom slaughter of livestock for him by a custom slaughterer, the dates of such slaughter of each such custom slaughterer and the amount of meat sold or transferred by him resulting from slaughter by that custom slaughterer;

(3) With respect to his slaughter of livestock for others, he must also keep the records specified in (d) below.

(d) Each custom slaughterer must keep at each of his establishments, a record showing, for that establishment: the name, address, and license number of each person for whom he custom slaughtered cattle, calves or swine, and the live weight of each of such species of livestock which he custom slaughtered during the interim quota period and during each quota period for each such person, including the dates of such slaughter.

(e) Every person subject to this order must keep all records required under this order for as long as this order shall remain in effect.

(f) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. Every person required to keep records under this order must keep them available for such inspection.

(g) The Office of Price Administration, through any authorized representative may, at any reasonable time, inspect any place where livestock is slaughtered, and any place at which a Class 2 or Class 3 slaughtering establishment is located.

(h) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consent to it.

SEC. 22. *Additional prohibitions.* (a) This order prohibits, among other matters:

(1) Making false or misleading statements on any records or reports to the Office of Price Administration;

(2) Altering, defacing, mutilating, or destroying a document specified herein;

(3) Forging or counterfeiting any document specified herein;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated document specified herein:

(5) Wrongfully withholding a document specified herein;

(6) Bribing, hindering, or interfering with authorized Office of Price Administration officials; and

(7) Attempting to do any act in violation of this order, directly or indirectly, or to aid or encourage another to do so.

This order shall become effective April 28, 1946, except that it shall become effective May 1, 1946 for persons whose quota periods begin on May 1, 1946.

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

F. R. Doc. 46–7000; Filed, Apr. 25, 1946; 4:31 p. m.]

PART 1305—ADMINISTRATION

[SO 88, Amdt. 1]

EXEMPTION OF UNCLAIMED OR ABANDONED COMMODITIES SOLD AT AUCTION BY THE BUREAU OF CUSTOMS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order No. 88 is amended in the following respect:

1. Paragraph (a) of § 1305.116 of Supplementary Order No. 88 is amended to read as follows:

(a) No provision of any price regulation shall apply to the sale of seized, unclaimed, or abandoned commodities by the Bureau of Customs if the aggregate quantity of all lots of such commodities of one general class or kind is offered for sale by the Collector of a customs district at a single auction sale has a domestic value of less than $500. However, this price limitation on value shall not apply to watches and clocks offered for sale in accordance with the provisions of this paragraph. An auction sale shall be considered a single auction sale although it continues over a period of more than one day. This exemption shall not apply to sales of distilled spirits or wine in any quantity.

This amendment shall become effective on the 1st day of May 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7040; Filed, Apr. 26, 1946; 11:49 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 534–2, Amdt. 5]

HICKORY AND ASH LOGS AND OTHER SPECIALTY WOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 534–2 is amended in the following respects:

1. Section 12 (c) (5) (ii) is amended to read as follows:

(ii) *Short logs.* In Zone 1, short logs may be purchased on the basis of a cord measurement of 128 cubic feet. In such case the maximum price shall be $20.00 per cord at roadside available to truck, or $22.00 per cord f. o. b. rail cars at a rail siding or $23.00 per cord delivered to mill by truck from within 20 miles. If delivered to the mill by truck from a distance over 20 miles, the buyer may add 6 cents per cord for each additional load mile over 20 miles.

This amendment shall become effective May 1, 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7039; Filed, Apr. 26, 1946; 11:50 a. m.]

PART 1444—ICE BOXES

[MPR 399, Amdt. 29]

NEW ICE BOXES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 399 is amended in the following respects:

1. Section 14, Table A, *Retail ceiling prices in each state for sales of ice boxes by ice companies and retail establishments controlled by ice companies,* is amended by adding the ceiling prices for one new model ice box as set forth below:

TABLE A—RETAIL CEILING PRICES IN EACH STATE FOR SALES OF ICE BOXES BY ICE COMPANIES AND RETAIL ESTABLISHMENTS CONTROLLED BY ICE COMPANIES

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia	Idaho	Illinois
Stoddard Manufacturing Co.	Lockerator	6-C	75	$72.25	$73.00	$74.00	$73.00	$74.50	$73.00	$73.00	$73.00	$73.00	$74.00	$73.50	$73.75	$72.25

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri
Stoddard Manufacturing Co.	Lockerator	6-C	75	$72.25	$72.25	$72.25	$72.50	$72.50	$73.75	$73.25	$73.00	$73.25	$72.25	$72.25	$73.00	$72.25

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon
Stoddard Manufacturing Co.	Lockerator	6-C	75	$72.25	$73.50	$72.25	$74.00	$73.25	$73.00	$74.00	$72.75	$73.50	$72.75	$72.50	$73.00	$74.00

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Stoddard Manufacturing Co.	Lockerator	6-C	75	$72.25	$72.75	$73.00	$73.50	$72.50	$72.75	$73.50	$73.75	$73.25	$73.00	$74.00	$72.75	$72.25	$73.25

2. Section 16, Table C, *Retail ceiling prices in each state for all other sales of ice boxes at retail,* is amended by adding the ceiling prices for one new model ice box as set forth below:

TABLE C—RETAIL CEILING PRICES IN EACH STATE FOR ALL OTHER SALES OF ICE BOXES AT RETAIL

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia	Idaho	Illinois
Stoddard Manufacturing Co.	Lockerator	6-C	75	$80.75	$83.00	$84.00	$83.00	$84.25	$83.00	$83.00	$83.00	$82.75	$83.75	$84.00	$83.75	$81.75

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri
Stoddard Manufacturing Co.	Lockerator	6-C	75	$80.75	$82.25	$82.25	$82.50	$82.50	$83.50	$83.25	$82.75	$83.00	$82.00	$81.75	$83.00	$81.75

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon
Stoddard Manufacturing Co.	Lockerator	6-C	75	$80.75	$83.50	$82.00	$83.75	$83.00	$82.75	$84.00	$82.75	$83.25	$82.50	$82.25	$83.00	$84.00

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Stoddard Manufacturing Co.	Lockerator	6-C	75	$80.75	$82.75	$83.00	$83.25	$82.25	$82.50	$83.25	$83.50	$84.00	$83.00	$84.00	$82.50	$81.50	$83.00

This amendment shall become effective on the 1st day of May 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7038; Filed, Apr. 26, 1946; 11:49 a. m.]

PART 1305—ADMINISTRATION

[SO 146,[1] Incl. Amdt. 1]

RECONVERSION INDUSTRY REPORTING

This compilation of Supplementary Order 146 includes Amendment 1, effective May 1, 1946. Additions and amendments by Amendment 1 are indicated by underscoring or notes.

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Sec.

AUTHORITY: § 1305.174 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 9599, 10 F.R. 10155; E.O. 9651, 10 F.R. 13487, E.O. 9697, 11 F.R. 1691.

SECTION 1. *Who must submit reports.* Any person who manufactures any of the consumer goods listed in Appendix A below on or after the effective date of this order (or on or after the effective date of any amendment hereto which adds to that list a commodity or commodities which he manufactures), shall submit to the Office of Price Administration, Consumer Goods Division, Washington 25, D. C., monthly and base period reports, in duplicate, as set forth in section 2. These reports need not be submitted to the Office of Price Administration, if the information required has been or is sub-

[1] 11 F.R. 1208.

mitted to the Department of Commerce, Bureau of Census, Washington 25, D. C.

(a) *Exceptions from reporting requirements.* Unless compliance with the requirements of Supplementary Order 146 is specifically required by the terms of Supplementary Order 123 or amendments thereto, a manufacturer need not submit the reports required by Supplementary Order 146 in the case of any commodity exempted or suspended from price control under the provisions of Supplementary Order 126 or any amendment thereto.

[Paragraph (a) added by Am. 1, effective 5-1-46]

SEC. 2. *Reports*—(a) *Monthly reports.* On or before February 15, 1946, and on or before the 15th day of each month thereafter, every manufacturer who is required to submit reports under this order, shall file the monthly report form listed in Appendix A opposite his particular commodity, giving all of the information required by that form for the preceding month.

(b) *Base period reports.* Every manufacturer who is required to submit reports under this order, and who also manufactured the same type of article during the base period specified for his industry in Appendix A, shall, within 30 days after the effective date of this order, file the base period report form listed in Appendix A opposite his particular commodity, giving all of the information required on that form.

(c) *Commodities added at a later date.* In the event other consumer goods are added to the list in Appendix A of this order by subsequent amendment, any manufacturer required to submit monthly and base period reports shall file such reports at the times specified below:

(1) *Monthly reports:* Within 30 days after the effective date of such amendment for his first monthly report; and on or before the 15th day of each month thereafter for subsequent monthly reports.

(2) *Base period reports:* Within 30 days after the effective date of such amendment.

(d) All forms enumerated in Appendix A or referred to in this order, are incorporated into and made a part of this order.

SEC. 3. *Where forms may be obtained.* A manufacturer may obtain copies of all forms required to be filed by this order from any Regional Office of the Office of Price Administration, if he has not received those forms directly from the Department of Commerce, Bureau of Census.

SEC. 4. *Records.* Every manufacturer who is required to submit reports under this order shall retain the following records for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect:

(a) If he was doing business during the base period for his industry, all of his records showing the number of units and the dollar volume of all shipments made during that base period.

(b) Records showing the number of units and the dollar value (by category, classification and model number) of his production during each month beginning with the month covered by the first monthly report filed under section 2 above, and all shipments to each class of purchaser during each month. In addition, if the monthly report form for the particular commodity requires information as to inventories, the manufacturer must also keep records containing that information.

SEC. 5. *Revocation or amendment.* This supplementary order may be revoked or amended by the Price Administrator at any time.

APPENDIX A—COMMODITIES AND FORM NUMBERS

Commodity	Monthly report form number*	Base period report form number	Base period
Home and auto radio receivers, radiophonographs combination and electronic phonographs and television.	M41a*	6065-2593	Jan.-Dec. 1941
Electric household ranges	M32F*	6065-2594	July 1940-June 1941
Domestic cooking appliances and heating stoves (except electric).	M51E*	6065-2595	July 1940-June 1941
Domestic mechanical refrigerators	M52B*	6065-2597	July 1940-June 1941
Domestic laundry equipment (washing machines, ironers, dryers).	M39A*	6065-2598	July 1940-June 1941
Domestic type sewing machines	M39B*	6065-2599	July 1940-June 1941
Portable vacuum cleaners	M32E*	6065-2600	July 1940-June 1941
Clocks and watches (spring, electric, movements only, central control resetting devices).	M75E*	6065-2601	July 1940-June 1941
Small electrical appliances	M32A*	6065-2596	July 1940-June 1941
Bicycles (wheel size 26" up)	6065-2608	6065-2602	July 1940-June 1941
Wheel goods (wood and metal velocipedes, chain driven trikes, scooters, children's wagons, coasters, baby carriages, strollers, walkers).	6065-2609	6065-2603	July 1940-June 1941
Lawn mowers (hand, power, gang)	6065-2613	6065-2607	July 1940-June 1941
Domestic type sewing machines, supplement	6067-2629		
Small electrical applicances, supplement	6067-2632	6067-2633	July 1940-June 1941
Woolen floor coverings	6065-2610	6065-2604	July 1940-June 1941

*All form numbers marked with an asterisk (*) are Department of Commerce, Bureau of Census forms. All other form numbers refer to Office of Price Administration forms.

[Appendix A amended by Am. 1, effective 5-1-46]

Effective date. This Supplementary Order No. 146 shall become effective on February 5, 1946. [SO 146 originally issued January 31, 1946]

[Effective date of amendment is shown in notes following the parts affected]

NOTE: The record keeping and reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7041; Filed, Apr. 26, 1946; 11:49 a. m.]

PART 1305—ADMINISTRATION

[Rev. Gen. RO 5,[1] Amdt. 5]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new section 5.7 is added to Revised General Ration Order 5 to read as follows:

SEC. 5.7 *Increase in allotments of sugar.* (a) The meal service and refreshment allotments under this Order (except allotments under sections 5.6, 11.6, 12.1, 26.2, 27.2 and 27.3) shall be increased by ten percent (10%) for the May-June, 1946, and subsequent allotment periods.

[1] 11 F.R. 116.

This amendment shall become effective May 1, 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7032; Filed, Apr. 26, 1946; 11:48 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Control Order 2, Supp. 1]

LIVESTOCK SLAUGHTER

Supplement 1 is issued with respect to Control Order 2:

TABLE I—QUOTA PERCENTAGES FOR ALL CLASS 2 SLAUGHTERERS (UNDER SECTION 7 OF CONTROL ORDER 2)

(a) For quota periods beginning on or after April 28, 1946.

	Percent
Cattle	100
Calves	100
Hogs	80

This supplement shall become effective April 28, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7001; Filed, Apr. 25, 1946; 4:31 p. m.]

PART 1370—ELECTRICAL APPLIANCES

[RMPR 111, Amdt. 4]

NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of the considerations involved in the issuance of this amendment

issued simultaneously herewith has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 111 is amended in the following respects:

Section 25, Appendix A is amended by adding thereto in the proper alphabetical order the following models of vacuum cleaners and their retail ceiling prices:

Manufacturer	Model No.	Description	Retail ceiling price
Birtman Electric Co.	T-12	Cylinder type—Included 15-piece deluxe attachment set.	$59.95
	T-12-E	Cylinder type—Included 15-piece deluxe attachment set.	59.95
	500	Floor type—Motor-driven brush.	59.95
	500-E	Floor type—Motor-driven brush.	59.95

This amendment shall become effective on the 26th day of April 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7033; Filed, Apr. 26, 1946; 11:43 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 118,[1] Amdt. 39]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1400.118 (d) (2) (vii) (a) is amended to read as follows:

(vii) *Printed flannels.* (a) The base maximum prices for printed flannels containing substantially the same coverage and amount of color as the fabrics in each seller's line delivered during the base period shall be:

Width (inches)	Finished weight (yds. per lb., market designation)	Women's wear patterns	Heavy colors men's wear patterns
		Cents per yard	*Cents per yard*
35-36	4.31-4.50	18¾	19¼
35-36	4.30-4.00	19¼	19¾
27	Approx. 6.50	15	15½

This amendment shall become effective May 1, 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7037; Filed, Apr. 26, 1946; 11:49 a. m.]

[1] 8 F.R. 12186, 12934; 9 F.R. 401, 10088, 10925, 14211, 14383, 14676; 10 F.R. 705, 857, 1492, 2025, 3375, 8134, 8979, 10310, 14063, 15472.

PART 1418—TERRITORIES AND POSSESSIONS

[2d Rev. MPR 183, Correction]

ELECTRIC COOKING STOVES IN PUERTO RICO

The following correction to item 2 is hereby made in Amendment 23 to Second Revised Maximum Price Regulation 183:

2. A new section 12.15 is added to read as follows:

SEC. 12.15 *Electric cooking stoves.*

The content of section 12.15 remains unchanged.

This correction shall become effective as of 12:01 a. m., April 15, 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7036; Filed, Apr. 26, 1946; 11:48 a. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 241, Amdt. 11]

MALLEABLE IRON CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1421.116 is amended by adding a new paragraph (h) to read as follows:

(h) *Adjustment of certain maximum prices.* (1) Maximum prices established in accordance with paragraph (a) of this section are increased 25%.

(2) Maximum prices established in accordance with paragraph (b) of this section, in the following instances, are increased as follows:

(i) Maximum prices established between October 21, 1942, and December 31, 1943, inclusive, are increased 14%;

(ii) Maximum prices established between January 1, 1944 and December 31, 1944, inclusive, are increased 6%;

(iii) Maximum prices established between January 1, 1945 and December 31, 1945, inclusive, are increased 2%;

(iv) For the purposes of this subparagraph a maximum price shall be deemed to be established at the time when the final recomputation required under paragraph (c) of this section is made.

(3) Maximum prices established in accordance with paragraph (d) of this section are increased 6%.

(4) All increases in maximum prices permitted under this paragraph are to be computed before the addition of any amount to compensate for the cost of overtime labor.

(5) If, heretofore, any seller has received, pursuant to § 1421.107 (a) and (b), an adjustment of his maximum prices for some or all of his malleable iron castings and he elects to retain as his maximum prices any or all of such individually adjusted maximum prices he shall not use any of the increased maximum prices otherwise permitted under this paragraph. To the extent that the provisions of this subparagraph are inconsistent with the provisions of paragraph (f) of this section the provisions of this subparagraph shall supersede the provisions of paragraph (f).

This amendment shall become effective April 26, 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7035; Filed, Apr. 26, 1946; 11:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14J,[1] Amdt. 22]

WOOD FLOOR COVERINGS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Supplementary Regulation 14J is amended in the following respect:

A new section is added to read as follows:

SEC. 5.3 *Modified maximum prices for certain sales of wool floor coverings.* (a) Each seller of a unit of wool floor covering (as defined in Revised Price Schedule 57) for which the seller's maximum price is established under the General Maximum Price Regulation [2] may, subject to the provisions of paragraph (b), adjust his maximum price for the sale of that unit to an institutional, industrial or commercial user or to an interior decorator by adding 7.7% of his supplier's total lawful selling price to him for that unit. In no event, however, shall any adjustment taken under this section result in an increased price to the seller which returns to him a markup of more than 34% over the "net landed cost" of the unit being priced. "Net landed cost" means the sum of the net invoice cost (less all available discounts other than cash discounts) and incoming freight charges.

(b) (1) A maximum price established by order after April 26, 1946, under the provisions of § 1499.3 (c) of the General Maximum Price Regulation may not be adjusted under this section.

(2) No seller may adjust his maximum price under the provisions of this section unless he shall have

(i) Filed with the Distribution Price Branch, Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C., a written report (signed by an officer or duly authorized agent) setting forth his name and address and a statement that he intends to price under the provisions of section 5.3 of Supplementary Regulation 14J

(ii) Received from the Office of Price Administration a written acknowledgment of the report specified in (i).

[1] 10 F.R. 1216, 2975, 4102, 4108, 4356, 4983, 5526, 7500, 8937, 11858, 11906, 13113, 13777, 14574, 14779, 15127, 11 F.R. 714, 2834.

[2] NOTE: A seller determining his price under Section 3 (a) of the General Maximum Price Regulation must have used as the price of "the most comparable commodity," the maximum price determined for that commodity under § 1499.2 (a) of that regulation, without adjustment.

This amendment shall become effective April 26, 1946.

NOTE: The reporting and record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7034; Filed, Apr. 26, 1946; 11:48 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417, 4417a, 4426, 4427, 4453, 4482, and 4488, as amended, 35 Stat. 428, 45 Stat. 1493, 49 Stat. 888, 1543, 1544, 54 Stat. 1028, sec. 5, 55 Stat. 244 (46 U.S.C. 85a, 88a, 367, 375, 391, 391a, 395, 396, 404, 405, 435, 463a, 475, 481, 50 U.S.C. 1275), Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), as modified by Executive Order No. 9666, dated December 28, 1945 (11 F.R. 1), and Coast Guard General Order 1-46 of the Secretary of the Treasury, dated January 1, 1946 (11 F.R. 185), the following amendments to the regulations are prescribed and shall be made effective May 9, 1946:

Subchapter D—Tank Vessels

PART 32—REQUIREMENTS FOR HULLS, MACHINERY AND EQUIPMENT

HULLS AND HULL FITTINGS; GENERAL

Section 32.1-5 *Hull fittings—TB/ALL* is amended by deleting paragraph (e).

PART 33—LIFESAVING APPLIANCES

LIFE PRESERVERS

Section 33.6-3 is amended to read as follows:

§ 33.6-3 *Shipboard inspections—TB/ALL.* At each annual inspection of any vessel, or oftener if deemed necessary, the life preservers shall be examined by an inspector to determine serviceability. When life preservers are found to be in accordance with the requirements, the inspector shall stamp them with the word "Passed", his initials, port, and date. Life preservers found not to be in a serviceable condition shall be removed from the vessel's equipment and, if beyond repair, shall be destroyed in the presence of the inspector.

Subchapter E—Load Lines

PART 43—FOREIGN OR COASTWISE VOYAGES

ADMINISTRATION

Section 43.01 is amended by the addition of the following sentence at the end thereof:

§ 43.01 *Establishment of regulations.* * * * The regulations in this part shall not apply to merchant vessels on foreign voyages that are being towed and which are carrying neither cargo nor passengers.

Section 43.02 *Responsibility for administration* is amended by changing the phrase "Secretary of Navy" to "Secretary of the Treasury."

Section 43.019 is amended by the addition of the following sentence at the end of the last undesignated paragraph:

§ 43.019 *Zones and seasonal areas.* * * *

* * * When loading a vessel in a favorable zone for a voyage on which the vessel will enter a less favorable zone, such allowance must be made that the vessel, when crossing into the less favorable zone, will conform to the regulations and freeboard for the less favorable zone.

Section 43.021 *Control* is amended by changing in the first, third, and fourth undesignated paragraphs the phrase "District Coast Guard Officer" to "Coast Guard District Commander."

GENERAL RULES FOR DETERMINING MAXIMUM LOAD LINES OF MERCHANT VESSELS

Section 43.27 is amended by deleting the fourth and fifth undesignated paragraphs and by changing the heading and the first undesignated paragraph to read as follows:

§ 43.27 *Scuppers and sanitary discharge pipes.* Discharges from scuppers and sanitary pipes led through the vessel's sides from spaces below the freeboard deck are to be fitted with efficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic nonreturn valve with a positive means of closing it from a readily accessible position above the freeboard deck, or two automatic nonreturn valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive-action valve is to be accessible and is to be provided with means for showing whether the valve is opened or closed.

The footnote referring to the heading "Load Lines for Steamers [1]" immediately preceding § 43.32 is amended to read as follows:

[1] The provisions of §§ 43.01 to 43.022, inclusive, and §§ 43.1 to 43.31, inclusive, apply to all vessels and, for steamers, are further supplemented by §§ 43.32 to 43.67, inclusive. Steamers taking advantage of special classifications, such as tankers, steamers carrying timber deck cargo, lumber schooners, etc., are also subject to these requirements except as specifically modified in their separate classifications as set forth in the regulations.

Section 43.65 is amended to read as follows:

§ 43.65 *Winter North Atlantic freeboard.* The minimum freeboard for vessels not exceeding 330 feet in length on voyages across the North Atlantic from a port or place of departure north of latitude 36° N. to a port or place of arrival north of latitude 36° N., regardless of the route of the vessel while it is in either of the northern seasonal winter zones during the winter season, shall be the winter freeboard plus 2 inches. For vessels over 330 feet in length it is the winter freeboard.

The footnote referring to the heading "Load Lines for Steamers Carrying Timber Deck Cargoes [1]" immediately preceding § 43.77a is amended to read as follows:

[1] The provisions of §§ 43.01 to 43.022, inclusive, and §§ 43.1 to 43.67, inclusive, also apply to steamers marked to carry timber deck cargoes except as they are modified by §§ 43.77a to 43.91, inclusive.

The footnote referring to the heading "Load Lines for Tankers [1]" immediately preceding § 43.92 is amended to read as follows:

[1] The provisions of §§ 43.01 to 43.022, inclusive, and §§ 43.1 to 43.67, inclusive, also apply to tankers except as they are modified by §§ 43.92 to 43.106, inclusive.

Section 43.105 is amended to read as follows:

§ 43.105 *Winter North Atlantic freeboard; tanker.* The minimum freeboard for tankers on voyages across the North Atlantic from a port or place of departure north of latitude 36° N. to a port or place of arrival north of latitude 36° N., regardless of the route of the vessel while it is in either of the northern seasonal winter zones during the winter season, shall be the winter freeboard plus an addition at a rate of one inch per 100 feet in length.

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

ADMINISTRATION

Section 45.02 *Responsibility for administration* is amended by changing the phrase "Secretary of Navy" to "Secretary of the Treasury."

Section 45.018 *Control* is amended in the first, third, and fourth undesignated paragraphs by changing the phrase "District Coast Guard Officer" to "Coast Guard District Commander."

A new footnote referring to the heading "Load Lines for Steamers [1]" immediately preceding § 45.32 is added reading as follows:

[1] The provisions of §§ 45.01 to 45.019, inclusive, and §§ 45.1 to 45.31, inclusive, apply to all vessels having Great Lakes load lines and, for steamers, are supplemented by §§ 45.32 to 45.64, inclusive. Tankers having Great Lakes load lines are also subject to these requirements except as specifically modified in §§ 45.65 to 45.78, inclusive.

CONDITIONS OF ASSIGNMENT OF LOAD LINES

Section 45.27 is amended by changing the first undesignated paragraph to read as follows:

§ 45.27 *Scuppers and sanitary discharge pipes.* Discharges from scuppers and sanitary pipes led through the vessel's sides from spaces below the freeboard deck are to be fitted with efficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic nonreturn valve with a positive means of closing it from a readily accessible position above the freeboard deck, or two automatic nonreturn valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive-action valve is to be accessible and is to be pro-

vided with means for showing whether the valve is opened or closed.

The footnote referring to the heading "Load Lines for Tankers[1]" immediately preceding § 45.65 is amended to read as follows:

[1] The provisions of §§ 45.01 to 45.019, inclusive, and §§ 45.1 to 45.64, inclusive, shall apply to Great Lakes tankers except as they are modified by §§ 45.65 to 45.78, inclusive.

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

Section 46.02 *Responsibility for administration* is amended by changing the phrase "Secretary of Navy" to "Secretary of the Treasury."

Section 46.022 *Control* is amended by changing in the first and second undesignated paragraphs the phrase "District Coast Guard Officer" to "Coast Guard District Commander."

Section 46.024 *Plans and inspection of new and converted vessels* is amended in the second undesignated paragraph by changing the phrase "District Coast Guard Officer" to "Coast Guard District Commander."

RULES FOR DETERMINING SUBDIVISION LOAD LINES FOR PASSENGER VESSELS ENGAGED ON FOREIGN AND COASTWISE VOYAGES

Section 46.30 is amended by changing the first three undesignated paragraphs to read as follows:

§ 46.30 *Inlets and discharges.* All main and auxiliary inlets and discharges shall be so arranged as to prevent accidental admission of water into the vessel. Cocks or valves are to be fitted to each such inlet or discharge at or near the shell, so arranged that they can be readily opened or closed. Sea chests are to be made with the necks as short as practicable, and where they would require to have long necks if fastened directly to the shell of the vessel, they may, instead, be attached to structural boxes built onto the shell.

Pipes terminating at the shell are not to be fitted in a direct line between the outboard openings and the first rigid connection inboard, but are to be arranged with bends or elbows. Such bends or elbows are to be sufficient in number to provide for expansion of the pipe, any movement due to the working of the vessel, and to offer reasonable safeguard against damage to the piping due to rubbing or bumping of the vessel in the vicinity of the outboard ends.

Valves fitted on the vessel's sides are to be substantial of construction and are to be effectively protected against damage. Where operating gear is provided the lead of shafting should be as direct as possible and all parts of the gear are to be protected against damage.

Subchapter F—Marine Engineering

PART 55—PIPING SYSTEMS

Section 55.19–5 is amended by the addition of a new paragraph (k), reading as follows:

§ 55.19–5 *Installation.* * * *

(k) (1) On new installations or replacements for vessels of 150 gross tons and over, cast iron for any connection to the vessel's shell below the freeboard deck shall not be permitted, nor shall cast iron valves be secured to sea chests.

(2) On ocean and coastwise vessels constructed prior to June 15, 1941, in which cast iron sea chests were installed, reinforcing with concrete or other suitable material in conjunction with structural bracing shall be fitted.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.55 (j) is amended to read as follows:

§ 59.55 *Life preservers.* * * *

(j) *Shipboard inspections.* At each annual inspection of any vessel, or oftener if deemed necessary, the life preservers shall be examined by an inspector to determine serviceability. When life preservers are found to be in accordance with the requirements, the inspector shall stamp them with the word "Passed", his initials, port, and date. Life preservers found not to be be in a serviceable condition shall be removed from the vessel's equipment and, if beyond repair, shall be destroyed in the presence of the inspector.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.48 (j) is amended to read as follows:

§ 60.48 *Life preservers.* (See § 59.55, as amended, which is identical with this section.)

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.14 is amended by changing the first sentence to read as follows:

§ 61.14 *Fire-fighting equipment on vessels using oil as fuel.* Steam-propelled vessels burning oil for fuel, and seagoing vessels in excess of 300 gross tons propelled by internal-combustion engines, except such seagoing vessels propelled by internal-combustion engines as are engaged in fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industry, shall be fitted with the fire-fighting equipment of the type and character specified below: * * *

PART 63—INSPECTION OF VESSELS

Section 63.4 *Inspection of hulls* is amended by deleting the last undesignated paragraph.

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.52 (j) is amended to read as follows:

§ 76.52 *Life preservers.* (See § 59.55 of this chapter, as amended, which is identical with this section.)

PART 79—INSPECTION OF VESSELS

Section 79.4 *Inspection of hulls* is amended by deleting the last undesignated paragraph.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.52 (j) is amended to read as follows:

§ 94.52 *Life preservers.* (See § 59.55 of this chapter, as amended, which is identical with this section.)

PART 97—INSPECTION OF VESSELS

Secton 97.4 *Inspection of hulls* is amended by deleting the last undesignated paragraph.

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.44 (j) is amended to read as follows:

§ 113.44 *Life preservers.* (See § 59.55 of this chapter, as amended, which is identical with this section.)

PART 116—INSPECTION OF VESSELS

Section 116.4 *Inspection of hulls* is amended by deleting the last undesignated paragraph.

Dated: April 24, 1946.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 46–7019; Filed, Apr. 26, 1946; 11:27 a. m.]

Chapter III—War Shipping Administration

[G. O. 13, Supp. 3]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

UNIFORM BAREBOAT CHARTER FOR INTERIM PROGRAM

§ 302.62a *Uniform bareboat charter for interim program "Warshipdemiseout 203".* The Administrator, War Shipping Administration, adopts the following standard form of bareboat charter for vessels bareboat chartered by the United States of America, acting by and through the Administrator, War Shipping Administration, under the interim charter program, to be known as "Warshipdemiseout 203"

Form No. 203 Contract No. WSA-__
4/15/46
Warshipdemiseout

WAR SHIPPING ADMINISTRATION

BAREBOAT CHARTER AGREEMENT

This agreement, dated as of _____, 194__, between the United States of America, acting by and through the Administrator, War Shipping Administration (hereinafter called the "Owner") and _____ (hereinafter called the "charterer"). Whose address is _____

Witnesseth: _____

PART I

CLAUSE A. *Uniform terms.* This agreement consists of this Part I, and Part II published in the FEDERAL REGISTER of April 27, 1946, the

provisions of said Part II being incorporated by reference as part of this Agreement. Unless otherwise in this Part I expressly provided, all of the provisions of said Part II shall be a part of this Agreement as though fully set forth in this Part I. In the event of a conflict between the provisions of Parts I and II, the provisions of Part I shall govern to the extent of such conflict.

CLAUSE B. *Warranty as to citizenship.* The Charterer warrants and represents that it is and at all times during the period of this Agreement will continue to be a citizen of the United States within the meaning of Section 2 of the Shipping Act of 1916, as amended.

CLAUSE C. (1) *Vessels chartered and other details.* The Vessel or Vessels to which this agreement relates, and the respective ports of delivery (if known) and applicable operating limits are as follows or as may be included hereunder by Addenda hereafter executed:

Name of vessel	Type	Port of delivery	Basic hire per calendar month	Valuation	Operating limits as specified in clause

The term "Vessels" as used in the plural in either Part I or Part II of this Agreement also refers to any single Vessel, whenever appropriate, and similarly the term "Vessel" as used in the singular refers to all Vessels within the Agreement whenever appropriate.

(2) *Period of vessel's use.* As to each Vessel, from time of delivery to the Charterer pursuant to this Agreement until either (a) redelivery of the Vessel pursuant to Clause 14 of Part II, (b) the time of expiration of the voyage current at the end of the emergency proclaimed by the President of the United States on May 27, 1941, or (c) redelivery upon termination upon such notice to the Charterer as the President shall determine under the circumstances set forth in Section 712 (d) of the Merchant Marine Act, 1936, as amended, whichever is earlier.

CLAUSE D. *Operating limits*—(1) *Liner services.* Except as otherwise provided in this charter, the Vessels shall be operated only in any foreign trade or service as provided in Public Law 101, 77th Congress, on the following described routes: _____

_____

_____

With the prior written approval of the Owner and without amendment of this Agreement, the Charterer may alter or vary the abovementioned route or routes.

(2) *Bulk cargo.* Except as otherwise provided in this Charter, the Vessels shall be operated in world-wide trading in any foreign trade or service as provided in Public Law 101, 77th Congress, carrying only such bulk or other cargo as may be approved by the owner.

CLAUSE E. *Rate of basic charter hire.* Unless otherwise specially agreed, such rates as appear opposite the name of each vessel listed in Clause C (1) and such addenda as may be executed.

CLAUSE F. *Valuation.* The insertion of the amount appearing opposite each vessel in Clause C (1) or in any addenda to be executed shall be for the purpose of (a) fixing the minimum amount for the placing of insurance as provided in Clause 16, and (b) constituting the replacement or total loss value of the vessel as between charterer and owner, but for no other purpose.

CLAUSE G. *Port of redelivery.* Port of delivery, unless otherwise agreed.

CLAUSE H *Special provisions*_____

_____

_____

In witness whereof, the Charterer has executed this Agreement in quadruplicate the _____ day of _____, 194__, and the Owner has executed this Agreement in quadruplicate the _____ day of _____, 194__.

_____

By _____

Execution for charterer:
Attest.

_____

or if not incorporated in the presence of:

_____

Witness.

UNITED STATES OF AMERICA,
By ADMINISTRATOR,
War Shipping Administration.

By _____

For the Administrator.

Execution for owner:
Approved as to form:

_____

Charter, agency and traffic counsel.

I, _____, certify that I am the duly chosen, qualified, and acting Secretary of _____ a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that _____ who signed this Agreement on behalf of said corporation, was then the duly qualified _____ of said corporation; that said officer affixed his manual signature to said Agreement in his official capacity as said officer for and on behalf of said corporatiton by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the corporate and lawful powers of this corporation.

[CORPORATE SEAL] _____
Secretary

PART II

CLAUSE 1. *Condition of vessels on delivery.* The Vessel on her delivery shall be in class A–1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to steamboat inspection certificates, and so far as due diligence can make her so, tight, staunch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service.

CLAUSE 2. *Surveys.* (a) The Vessels shall be jointly surveyed before delivery and redelivery under this Agreement to determine and state the condition of the Vessels. Such surveys shall include drydocking to determine and state the condition of the underwater parts, unless, at owner's option, the drydocking in connection with delivery is postponed, in which event the cost and time of any damage to underwater parts found either upon redelivery or during the period of the Vessel's use under this Agreement shall be for Owner's account unless such damage is established, from the basis of all evidence, to have occurred during the period of the Vessel's use under this Agreement. The cost and time of such delivery survey shall be for the account of the Owner, and similarly the cost and time of such redelivery survey shall be for the account of the Charterer.

(b) Subject to the foregoing provisions, as to underwater parts in the event drydocking is postponed, and except to the extent otherwise noted on the delivery survey report, the delivery of the Vessel by the Owner and the acceptance thereof by the Charterer shall constitute full performance by the Owner of all the Owner's obligations under Clause 1, and thereafter the Charterer shall not be entitled to make or assert any claim against the Owner on account of any agreements, representations or warranties, expressed or implied, with respect to the condition of the Vessel: *Provided, however,* That the Owner shall nevertheless be responsible for the cost and time of repairs or renewals occasioned by latent defects in the Vessel, its machinery or appurtenances or defects due to locked in stresses in the Vessel existing at the time of delivery, not recoverable under the terms and conditions of the American Hull form of policy (American Institute of Marine Underwriters 7/1/41) containing no deductible average clause.

CLAUSE 3. *Determination of class.* For the purpose of this Agreement a Vessel shall be deemed to be in class, whether or not any requirements or recommendations of the Classification Society are outstanding at the time of delivery or redelivery, as the case may be, unless the time limit for the accomplishment of any such requirements or recommendations, including any extension or period of grace allowed, shall have expired.

CLAUSE 4. *Inventory.* A complete inventory of the Vessel's entire outfit, equipment, furniture, furnishings, appliances, spare and replacement parts and of all unbroached consumable stores and fuel on board shall be jointly taken at the time of delivery, and mutually agreed upon as to items, by representatives of the Charterer and the Owner, and a similar inventory shall be taken and mutually agreed upon at the time of redelivery. The parties may agree, however, to accept any suitable prior inventory which may have been taken before the delivery of the Vessel under this Agreement, either on the occasion of the redelivery of the Vessel from a general agency agreement with the Owner, or otherwise.

CLAUSE 5. *Consumable stores and fuel.* The Charterer shall accept and pay for all unbroached consumable stores and fuel on board at the time of delivery and the Owner shall accept and pay for all unbroached consumable stores (with the exception of perishable stores, broached or unbroached, and slop chests, in the event the Vessel is redelivered at a port regularly serviced by the Charterer or at the port of redelivery provided for in Clause G of Part I hereof) and fuel on board at the time of redelivery, at the market prices current at the ports and times of delivery and of redelivery, respectively. "Consumable stores" within the meaning of this agreement shall mean all consumable and subsistence stores, and returnable containers (but not expendable equipment, scrap and junk) listed in the United States Maritime Commission Voyage Stores Reports, Forms 7915A, 7916A, 7918A, and 7919A (Revised Forms 1939), and slop chests.

CLAUSE 6. *Use of equipment.* The Charterer shall have the use of all outfit, equipment, furniture, furnishings, appliances, spare and replacement parts on board the Vessel at the time of delivery without extra cost and the same shall be returned to the Owner on redelivery in the same good order and condition as when received, ordinary wear and tear excepted. Any such items lost, destroyed, damaged or so worn in service as to be unfit for use (unless through ordinary wear and tear) shall be replaced or made good by the Charterer in kind at or before redelivery, or at Owner's option, the Charterer shall pay for said items at the current market

prices at the port and time of redelivery. Any overages accepted by the Owner shall be paid for at the current market prices at the port and time of redelivery.

CLAUSE 7. *Maintenance.* The Charterer, except as otherwise provided in Clause 2 (a) and 2 (b), shall maintain the Vessels, their machinery, boilers, appurtenances, and spare parts during the period of the Vessel's use under this Agreement in good state of repair and in efficient operating condition and in accordance with good commercial maintenance practices and shall keep the Vessels with full unexpired classification and other required certificates at all times, including, without limitation, unexpired steamboat inspection certificates.

CLAUSE 8. *Drydocking.* The Charterer shall drydock the Vessels and clean and paint their underwater parts, when necessary, and not less than once in about every nine (9) months from date of delivery. The Charterer shall give the Owner reasonable notice of the time and place of drydocking and if practicable fifteen (15) days in advance thereof and afford the Owner an opportunity to inspect the Vessels while drydocked. The Charterer shall also promptly notify the Owner sufficiently in advance to enable its representative to be present at repairs or surveys of the Vessels, and shall furnish the Owners with copies of reports made pursuant to such surveys.

CLAUSE 9. *Inspections.* The Owner shall have the right at any time, without notice, to inspect or survey the Vessels at its own expense, to ascertain their condition and to satisfy itself that the Vessels are being properly repaired and maintained in accordance with good commercial maintenance practices. The Charterer shall make all such repairs, at its own expense, as such inspection or survey may show to be required in compliance with the Charterer's obligations under this Agreement. The Charterer shall also permit the Owner to inspect the Vessel's logs whenever requested, and shall furnish the Owner upon request with full information regarding any casualties or other accidents or damage to the Vessels.

CLAUSE 10. *Charterer to man, etc.* During the period of this Agreement the Charterer shall, at its own expense, and by its own procurement, man, victual, navigate, operate, supply, fuel and, except as otherwise expressly provided in Clause 2 (a) and 2 (b) of this Agreement, repair the Vessels and pay all charges and expenses of every kind and nature whatsoever incident to the use and operation of the Vessels under this Agreement. Except as otherwise expressly provided in Clause 25 of this Agreement the Charterer and not the Owner shall have exclusive possession, control and command of the Vessels during the entire period of use under this Agreement.

CLAUSE 11. *Structural changes.* The Charterer shall make no structural changes in the Vessel and shall make no changes in the machinery, boilers, appurtenances or spare parts thereof without in each instance first securing the written approval of the Owner.

CLAUSE 12. *Basic charter hire.* The Charterer shall pay to the Owner the basic charter hire at the monthly rate provided for in Part I hereof from the day and hour of delivery of the Vessels until and including the day and hour of redelivery to the Owner pursuant to the terms of this Agreement; or if any Vessel shall be lost, hire shall continue until the time of her loss, if known, or if the time of loss be uncertain then up to and including the time last heard from. Payment of such basic charter hire shall be made to the Owner at Washington, D. C., on delivery of the Vessel for the remainder of the calendar month in which delivery is made, and thereafter monthly in advance on the first day of each month.

CLAUSE 13. *Additional Charter Hire.* After redelivery of all Vessels under this Agreement, if the cumulative net voyage profits computed for the period of the agreement (after the payment of the basic charter hire provided herein and payment of the Charterer's fair and reasonable overhead expenses applicable to operation of the Vessels) shall be in excess of a rate of ten (10) per centum per annum on the Charterer's capital necessarily employed in the business of the Vessels during the period of the agreement (all as hereinafter defined in Clause 23) the Charterer shall pay to the Owner at Washington, D. C. within sixty (60) days thereafter, an amount equal to one-half of such cumulative net voyage profit in excess of an amount computed for the period of the agreement at the rate of ten (10) per centum per annum on such capital as hire in addition to the hire payable under Clause 12; *Provided, however,* That such payment of additional charter hire shall be deemed to be preliminary and subject to adjustment upon the completion of final audit by the Owner, at which time such payments will be made by or to the Owner as such final audit may show to be due. The Charterer shall, (1) keep its books, records and accounts relating to the management, operation, conduct of the business of and maintenance of the vessels covered by this Agreement in accordance with the "Uniform System of Accounts for Operating-Differential Subsidy Contractors" prescribed by the United States Maritime Commission in its General Order No. 22 and under such regulations as may be prescribed by the Owner: *Provided, however,* That, if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Owner shall not require the duplication of books, records, and accounts required to be kept in some other form by that Commission; and (2) file, upon notice from the Owner, balance sheets, profit and loss statements, and such other statements of operation, special reports, memoranda of any facts and transactions, which, in the opinion of the Owner, affect the results in, the performance of, or transactions or operations under this Agreement. The Owner is hereby authorized to examine and audit the books, records, and accounts of the Charterer in so far as the same relate to operations under this Agreement whenever it may deem it necessary or desirable so to do.

CLAUSE 14. *Termination.* (A) Either the Owner or the Charterer may terminate the period of use of any of the vessels by giving written notice to the other party at least fifteen (15) days prior to the termination of any voyage hereunder, in which event the vessel shall be redelivered at the port of redelivery provided for in Clause G of Part I hereof upon termination of the voyage during which such notice is given.

(B) In addition to the right given to the Charterer in paragraph (A) hereof to terminate the period of use of any vessel, the Charterer may also terminate the period of use of the Vessel by giving written notice to the Owner,

(1) If the Vessel is in a continental U. S. port free of cargo, or

(2) If, in the event it is in a continental U. S. port with cargo on board, the Owner advises the Charterer that it is satisfied that the removal of the cargo and the redelivery of the Vessel will not subject the Owner or the Vessel to any liability whatsoever,

in which event the Vessel shall be redelivered at the port of redelivery provided for in Clause G of Part I hereof not sooner than 15 days after receipt of such written notice, unless otherwise agreed.

CLAUSE 15. *Redelivery of vessel.* The Vessels shall be redelivered to the Owner (unless lost) pursuant to the terms of this Agreement in the same or as good order, condition and class as that in which they were delivered, unless the lack of good order, condition and class is due solely to ordinary wear and tear. At the redelivery survey provided for in Clause 2, surveyors representing both the Charterer and the Owner, or a surveyor satisfactory to both sides, shall be present, who shall determine and state the repairs or work necessary to place the Vessel on the date of redelivery in the condition and class required in this paragraph, which findings shall include all repairs or work (as distinguished from postponed annual or periodical surveys) required by outstanding classification or steamboat inspection requirements in effect as of date of delivery to place her in such condition. The Charterer, before redelivery, shall make all such repairs and do all such work so found to be necessary at its expense and time, or at Owner's option, the Charterer shall on Owner's request discharge such obligation by payment to the Owner of an amount sufficient to place the Vessel in such condition and class and to provide for the foregoing work and repairs at the prices current at the time of redelivery, which amount shall also include compensation at the rate of basic hire payable under this Agreement for the time reasonably required under then existing conditions to complete such work or repairs and compensation for other expenses (including insurance) incident to such work or repairs or which would have been borne by the Charterer if the repairs had been effected prior to redelivery. The Charterer shall not be required to make any repairs or to satisfy any classification or steamboat inspection requirements which were for Owner's account under Clause 2 of this Agreement but if such repairs were made or such requirements were satisfied after delivery under this Agreement and paid for by the Owner, they shall be considered as having been made at the time of delivery for the purpose of determining the Charterer's obligations under this Clause 15.

CLAUSE 16. *Insurance.* The Charterer shall at all times during the period of the Vessel's use under this Agreement carry and maintain on the Vessel insurance covering all customary marine and war risk hull and marine and war risk protection and indemnity insurances and such crew insurance as is required by applicable decisions of the Maritime War Emergency Board in such amount and in such form and with such insurance companies, underwriters or funds as the Owner may require and approve. All insurance required under the terms of this Agreement to be carried by the Charterer shall be placed and kept with responsible insurers satisfactory to the Owner, and shall include the United States of America as an assured, without right of subrogation against the United States insofar as its interest in said Vessel is concerned. The hull and disbursement insurance on the Vessel shall be in an amount no less than the valuation set forth in Part I. The marine P. & I. insurance shall be in the amount of not less than $175 per gross ton, or the hull valuation figure set forth in Part I whichever is higher. The war risk P. & I. insurance shall be in an amount of not less than $60 per gross ton.

All losses under the policies of insurance carried on the Vessel shall be made payable to the Owner for distribution by it to itself and the Charterer as their interests may appear: *Provided, however,* That in the absence of specific instructions to the contrary P. & I. claims in amounts not exceeding $5000 may be payable directly to the Charterer. Charterer shall at Charterer's expense keep the vessels entered in the Marine Index Bureau Inc. The originals of all cover notes or binders and policies, including certificate of entry in such Bureau shall be delivered promptly to the Owner for its custody and approval.

In the event that any of the insurance hereinbefore provided for, by reason of any act, omission, or negligence of the Charterer, shall not be kept in full force and effect, or for any reason (including but without limitation the existence of any deductible av-

erage, franchise provision, or other exclusion contained therein but excluding insolvency of the underwriters) does not cover in full all losses, damages, claims or demands, the Charterer shall indemnify and hold harmless the Owner against all such losses, claims and demands.

No tender of abandonment as a constructive total loss shall be made without the prior approval of the Owner: *Provided, however,* That in the event the Owner neglects or refuses to approve such tender, then charter hire shall cease ten days after receipt of Charterer's request in the event it is determined that abandonment was proper under all the circumstances.

CLAUSE 17. *Bills of lading or voyage charters.* All bills of lading or voyage charters issued under this Agreement shall contain directly or by reference substantially the following clauses:

(i) *Clause paramount.* "This bill of lading shall have effect subject to the provisions of the Carriage of Goods by Sea Act of United States, approved April 16, 1936, which shall be deemed to be incorporated herein, and nothing herein contained shall be deemed a surrender by the Carrier of any of its rights or immunities or an increase of any of its responsibilities or liabilities under said Act. If any term of this bill of lading be repugnant to said Act to any extent, such term shall be void to that extent but no further."

(ii) *Both-to-blame collision clause.* "If the ship comes into collision with another ship as a result of the negligence of the other ship and any act, neglect or default of the master, mariner, pilot or the servants of the carrier in the navigation or in the management of the ship, the owners of the goods carried hereunder will indemnify the carrier against all loss or liability to the other or noncarrying ship or her owners in so far as such loss or liability represents loss of, or damage to, or any claim whatsoever of the owners of said goods, paid or payable by the other or noncarrying ship or her owners to the owners of said goods and set-off, recouped or recovered by the other or noncarrying ship or her owners as part of their claim against the carrying ship or carrier. The foregoing provisions shall also apply where the owners, operators or those in charge of any ship or ships or objects other than, or in addition to, the colliding ships or objects are at fault in respect of a collision or contact."

(iii) *General average clause.* "General average shall be adjusted, stated, and settled, according to Rules 1 to 15, inclusive, 17 to 22, inclusive, and Rule F of York-Antwerp Rules 1924, at such port or place in the United States as may be selected by the carrier, and as to matters not provided for by these Rules, according to the laws and usages at the port of New York. In such adjustment, disbursements in foreign currencies shall be exchanged into United States money at the rate prevailing on the dates made and allowances for damage to cargo claimed in foreign currency shall be converted at the rate prevailing on the last day of discharge at the port or place of final discharge of such damaged cargo from the ship. Average agreement or bond and such additional security, as may be required by the carrier, must be furnished before delivery of the goods. Such cash deposit as the carrier or his agents may deem sufficient as additional security for the contribution of the goods and for any salvage and special charges thereon, shall, if required, be made by the goods, shippers, consignees, or owners of the goods to the carrier before delivery. Such deposit shall, at the option of the carrier, be payable in United States money, and be remitted to the adjuster. When so remitted the deposit shall be held in a special account at the place of adjustment in the name of the adjuster pending settlement of the general average and refunds or credit balances, if any, shall be paid in United States money."

(iv) *Amended "Jason" clause.* "In the event of accident, danger, damage, or disaster before or after commencement of the voyage resulting from any cause whatsoever, whether due to negligence or not, for which or for the consequence of which the carrier is not responsible by statute, contract, or otherwise, the goods, shippers, consignees, or owners of the goods shall contribute with the carrier in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred, and shall pay salvage and special charges incurred in respect of the goods. If a salving ship is owned or operated by the carrier, salvage shall be paid for as fully as if the salving ship or ships belong to strangers."

(v) *Liberties clauses.* "In any situation whatsoever and wheresoever occurring and whether existing or anticipated before commencement of or during the voyage, which in the judgment of the carrier or master is likely to give rise to risk of capture, seizure, detention, damages, delay or disadvantage to or loss of the ship or any part of her cargo, or to make it unsafe, imprudent, or unlawful for any reason to commence or proceed on or continue the voyage or to enter or discharge the goods at the port of discharge, or to give rise to delay or difficulty in arriving, discharging at or leaving the port of discharge or the usual place of discharge in such port, the carrier may before loading or before the commencement of the voyage, require the shipper or other person entitled thereto to take delivery of the goods at port of shipment and upon their failure to do so, may warehouse the goods at the risk and expense of the goods; or the carrier or master, whether or not proceeding toward or entering or attempting to enter the port of discharge or reaching or attempting to reach the usual place of discharge therein or attempting to discharge the goods there, may discharge the goods into depot, lazaretto, craft or other place; or the ship may proceed or return, directly or indirectly, to or stop at any such port or place whatsoever as the master or the carrier may consider safe or advisable under the circumstances, and discharge the goods, or any part thereof, at any such port or place; or the carrier or the master may retain the cargo on board until the return trip or until such time as the carrier or the master thinks advisable and discharge the goods at any place whatsoever as herein provided; or the carrier or the master may discharge and forward the goods by any means at the risk and expense of the goods. The carrier or the master is not required to give notice of discharge of the goods or the forwarding thereof as herein provided. When the goods are discharged from the ship, as herein provided, they shall be at their own risk and expense; such discharge shall constitute complete delivery and performance under this contract and the carrier shall be freed from any further responsibility. For any service rendered to the goods as herein provided the carrier shall be entitled to a reasonable extra compensation.

"The carrier, master and ship shall have liberty to comply with any orders or directions as to loading, departure, arrival, routes, ports of call, stoppages, discharge, destination, delivery or otherwise howsoever given by the government of any nation or department thereof or any person acting or purporting to act with the authority of such government or of any department thereof, or by any committee or person having, under the terms of the war risk insurance on the ship, the right to give such orders or directions. Delivery or other disposition of the goods in accordance with such orders or directions shall be a fulfillment of the contract voyage. The ship may carry contraband, explosives, munitions, warlike stores, hazardous cargo, and may sail armed or unarmed and with or without convoy.

"In addition to all other liberties herein the carrier shall have the right to withhold delivery of, reship to, deposit or discharge the goods at any place whatsoever, surrender or dispose of the goods in accordance with any direction, condition or agreement imposed upon or exacted from the carrier by any government or department thereof or any person purporting to act with the authority of either of them. In any of the above circumstances the goods shall be solely at their risk and expense and all expenses and charges so incurred shall be payable by the owner or consignee thereof and shall be a lien on the goods."

CLAUSE 18. *General average.* General average adjusters shall be appointed by the Charterer from a list of adjusters satisfactory to the Owner, who shall attend to the settlement and collection of both general and particular average losses subject to customary charges. The Charterer agrees to assist the adjuster in preparing the average statement and to take all other possible measures to protect the interests of the Vessel and the Owner.

CLAUSE 19. *Salvage.* Earned salvage shall be pro rated 25% to the Owner and 75% to the Charterer, after deducting Owner's and Charterer's expenses, Master's and Crew's shares, and legal and other expenses incident to the salvage: *Provided however,* That hire of the vessels shall not be considered an item of the Charterer's expense hereunder. Salvage earned by the Charterer shall be considered gross income as defined in Clause 23. Settlement of claims for salvage shall be subject to the approval of both Owner and Charterer: *Provided,* That the amount of awards for the salving of vessels of which the United States or any department or agency thereof is the Owner or Owner pro hac vice, or for their cargoes and freights on such vessels, shall be determined by the Owner.

CLAUSE 20. *Libels.* Neither the Charterer nor the Masters of the Vessels nor any other person shall have the right, power, or authority to create, incur, or permit to be placed upon the Vessels any liens whatsoever other than for crew's wages or salvage. The Charterer agrees to carry a properly certified copy of this Agreement with the ship's papers on board the Vessels, and agrees to exhibit the same to any person having business with the Vessels, and agrees also to exhibit the same to any representative of the Owner on demand.

The Charterer agrees to notify any person furnishing repairs, supplies, towage, or other necessaries to the Vessels that neither the Charterer nor the Masters have any right to create, incur, or permit to be imposed upon the Vessels any liens whatsoever, except for crew's wages and salvage. Such notice as far as may be practicable shall be in writing. The Charterer further agrees to fasten in the Vessels in a conspicuous place, and to maintain during the charter period, a notice reading as follows:

"This Vessel is the property of the United States of America. It is under charter to and, by the terms of the charter neither the Charterer nor the Master has any right, power, or authority to create, incur, or permit to be imposed upon the vessel any lien whatsoever, except for crew's wages and salvage."

The Owner shall indemnify, hold harmless and defend the Charterer against any liens, claims or liabilities of whatsoever nature upon the vessels at the time of their delivery under this Agreement. The Charterer shall indemnify and hold harmless the Owner against any liens of whatsoever nature upon the Vessels and against any claims against the Owner arising out of the operation of the Vessels by the Charterer, or out of any act or neglect of the Charterer, in relation

to the Vessels, or the operation thereof, except insofar as such liens or claims arise out of any matter covered by the insurance procured and in force, as provided herein. If a libel should be filed against any Vessel or if any Vessel is otherwise levied against or taken in custody by virtue of legal proceedings in any court because of any liens or claims arising out of the operation of the Vessel by the Charterer, the Charterer shall at its own expense within fifteen (15) days thereof cause the Vessel to be released and the lien to be discharged.

CLAUSE 21. *Bond.* The Charterer, at or before delivery of the first vessel or vessels under this Agreement, will furnish the Owner with a bond with sufficient surety, in an amount of not less than $25,000 per vessel for all vessels chartered hereunder, such bond to be approved by the Owner, both as to form and sufficiency of surety, and to be conditioned upon the true and faithful performance of all and singular the covenants and agreements of the Charterer contained in this Agreement, including, but not limited to, the Charterer's obligation to pay charter hire and damages. The Charterer may in lieu of furnishing such bond, pledge United States Government securities in the face value of the required amount under an agreement satisfactory in form and substance to the Owner.

CLAUSE 22. *No transfer or assignment.* The Charterer shall not, without the Owner's consent, sell, transfer, or assign this Agreement or any interest therein, or time charter or sub-charter any Vessels, or make any arrangement whereby the maintenance, management, or operation of the Vessels is to be performed by any other person.

CLAUSE 23. *Definitions.* The terms "net voyage profit", "fair and reasonable overhead expenses", and "capital necessarily employed" as used herein with respect to the operations of the Vessel and services incident thereto are hereby defined, for the purposes of this Agreement only, as follows:

(a) *"Net voyage profit"* shall be determined by deducting from gross income, as hereinafter defined, such direct vessel operating expenses, terminal and other auxiliary operating expenses, overhead expenses, interest expense, amortization of deferred charges, depreciation on property utilized in the operation of the vessels, and all other charges which are customarily made in accordance with sound accounting practice in determining net profits before provision for federal income taxes, all as the Owner may deem fair and reasonable, *Provided*, That in instances where the Charterer engaged in other activities in addition to the operation of the Vessels, covered by this Agreement, such charges, other than those directly and exclusively allocable to the operation of the vessels shall be prorated between these activities on such basis as the Owner may determine to be fair and reasonable.

"Gross Income" shall include such items as revenue earned from the carriage of cargo, passengers, and mail, terminal and other auxiliary operations, and miscellaneous profits and losses, such as those arising from pooling agreements, advance and prepaid beyond items, bar and slop chest, and such other transactions as the Owner may determine are properly included. "Gross Income" shall include also interest earned, dividends received, and other non-operating income, as well as all accruals to the Charterer as an operating-differential subsidy. If the Charterer engages in any other activities in addition to the operation of the Vessels, the revenues and miscellaneous income, other than those exclusively applicable to the operation of the Vessels, shall be prorated between these activities, on such basis as the Owner may determine to be fair and reasonable,

Income consisting of capital gains and expense consisting of capital losses shall in no event be included in the computation of "Net Voyage Profit", as above defined.

Income from and expenses attributable to assets, other than the Vessels, excluded in the computation of "Capital Necessarily Employed", as hereinafter defined, shall not be included in the computation of "Net Voyage Profit", as above defined.

(b) *"Fair and Reasonable Overhead Expenses"* shall include those expenses actually and necessarily incurred in the conduct of the business of operating the Vessels, such as salaries of officers; wages of employees; legal and accounting fees and expenses; rent, heat, light, and power; communication expenses; office supplies, stationery, and printing; membership dues and subscriptions; entertaining and solicitation; traveling expenses; insurance and bond premiums; postage; maintenance of office equipment; and miscellaneous administrative and general expenses, all as the Owner may determine to be fair and reasonable and properly included: *Provided*, That there shall be deducted from the total of such expenses (1) the amount by which wages, salary and allowances of compensation in any form for personal services received by any director, officer or employee (which term shall be construed in the broadest sense to include, but not to be limited to, managing trustees or other administrative agents) from the charterer and its affiliates, subsidiaries, and associates, directly or indirectly, shall in any instance exceed the amount of $25,000 per annum, prorated to the period of the agreement, and (2) agency fees, commission, brokerage, and such other miscellaneous earnings as the Owner may determine to be properly deductible.

"Fair and Reasonable Overhead Expenses" shall include also freight, passenger and other expenses incident to advertising the Vessel and the line served by it; taxes other than federal income taxes; and management and operating commissions but only if and in the cases where the express written consent of the Owner has been given the Charterer to employ another person or concern as the managing or operating agent of the Charterer; all as the Owner may determine to be fair and reasonable and properly included.

If the Charterer engages in other activities in addition to the operation of the Vessels the "Fair and Reasonable Overhead Expenses" other than those directly and exclusively allocable to the operation of the Vessel shall be prorated between such activities on such basis as the Owner may determine to be fair and reasonable.

(c) *"Capital Necessarily Employed"* shall be determined upon the basis of the net worth reported by the Charterer in its balance sheet as of the close of the month preceding the date of delivery of the first vessel under this agreement, adjusted as hereinafter provided. For the purpose of this determination, net worth, as stated in the balance sheet of the Charterer, shall be deemed to include capital stock, surplus and such subdivisions thereof as capital surplus, earned surplus and accounts of like nature. Net worth, as thus stated, shall be adjusted in such manner as the Owner may determine to be fair and reasonable, including the elimination of appreciation, adequate statement of the liabilities, and such other adjustments as are consistent with sound accounting principles. In the computation of "Capital Necessarily Employed," good will, intangibles not actually purchased and paid for, and stock held in treasury shall be excluded.

Property and other assets utilized in the operation of the Vessels shall be valued at cost, including betterments and reconditioning costs, to the present owner or to any former owner at any time affiliated or associated directly or indirectly with the present owner, whichever is the lower, less depreciation: *Provided*, That the cost of acquisition of assets acquired in exchange for capital shares or other securities of the Charterer from other than holding, subsidiary, affiliated, or associated companies, shall not be in excess of the fair value of such property at the date of acquisition.

If the Charterer engages in other activities in addition to the operation of the Vessels, the Owner shall determine the proper allocation of capital as between such activities. The amount so allocated to the operation of the Vessels shall be deemed to be the "Capital Necessarily Employed."

CLAUSE 24. *Events of default.* The following shall constitute events of default under this agreement:

(a) The failure of the Charterer to pay the charter hire on any Vessel as and when the same shall be due under the terms of this Agreement.

(b) The failure of the Charterer to operate any Vessel as required by Clause D of Part I or the Operation of any Vessel on some other route without the prior written approval of the Owner.

(c) Any material misrepresentation by the Charterer in connection with this Agreement whether before or after execution hereof and whether made in an application, report or otherwise, or any willful failure by the Charterer to disclose information necessary to cause any material representation by it not to be misleading.

(d) The occurrence of any event causing the Charterer to be ineligible for charter of the Owner's Vessels.

(e) A voluntary sale by the Charterer of this Agreement or any interest therein, or an assignment, transfer, agreement or arrangement whereby the maintenance, management or operation of the above described service, route, or Vessel shall pass out of the direct control of the Charterer without the consent of the Owner.

(f) The filing of a petition in bankruptcy by the Charterer, or the entry of an order, upon petition against the Charterer, adjudicating the Charterer a bankrupt, or the making of a general assignment for the benefit of creditors, or the Charterer losing its charter by forfeiture or otherwise, or the appointment of a receiver or receivers of any kind whatsoever, whether appointed or not in Admiralty, Bankruptcy, Common Law or Equity proceedings, and whether temporary or permanent, for the property of the Charterer, or the filing of a petition by the Charterer for reorganization under the Bankruptcy Act, or the filing of such a petition by creditors and the same approved by the court, or the approval of the court of a reorganization of the Charterer under said Act, whether proposed by a creditor, a stockholder or any other person whomsoever.

(g) Any breach by the Charterer of its obligations under this Agreement or any agreement executed in connection therewith, or any ship mortgage given to or construction agreement made with the United States.

(h) Failure by the Charterer to comply with any applicable provisions of the Merchant Marine Act, 1936, as amended, or of any law relating to the operation of the Vessel.

CLAUSE 25. *Termination upon Default.* (a) The Owner may terminate this Agreement in whole or in part without notice to the Charterer in case any event of default specified in paragraphs (a), (b), (c), (d), (e), or (f) of the preceding Clause 24 shall occur or if any other default specified in paragraphs (g), or (h) of said clause shall occur and shall continue for a period of 30 days after notice thereof has been mailed or telegraphed by the Owner to the Charterer.

(b) Upon termination, the Owner may, at its option, retake the Vessels or any of them

wherever the same may be found, whether upon the high seas or in any port, harbor, or other place, without prior demand and without legal process and for that purpose may enter upon any dock, pier, or other premises where the Vessels may be and may take possession thereof, or may require the Charterer to redeliver such Vessels in accordance with terms of this Agreement immediately upon the receipt of a notice demanding such redelivery.

(c) The rights conferred upon the Owner by this clause are cumulative and in addition to any rights which it may have at law or in equity or by virtue of the terms of this Agreement.

CLAUSE 26. *Effect of ship sales charter.* Any provisions as to survey, drydockings, or inventory may at Charterer's option be waived or modified to the extent necessary to conform to any provisions in any charter of these Vessels which may be executed between the Owner and Charterer hereunder pursuant to the provisions of the Act of Congress known as the Merchant Ship Sales Act, 1946.

CLAUSE 27. *Cancellation or modification by mutual consent: Waivers.* This Agreement may be terminated, modified, or amended at any time by mutual consent.

CLAUSE 28. *Settlement on termination.* Upon redelivery of the last vessel under this Agreement, the Charterer shall at his own expense make to the Owner such accounting as the Owner may require of all matters arising out of the operation of the Vessels and this Agreement, and shall adjust, settle, and liquidate such accounts: *Provided, however,* That the Owner may collect directly all freight moneys or other debts earned by the Vessels remaining unpaid and apply any moneys collected on any unpaid balance due from the Charterer to the Owner. All expenses of such collecting shall be for the account of Charterer.

CLAUSE. 29. *Officials not to benefit nor to be employed.* No member of or delegate to Congress, nor Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom, except as provided in Section 116 of the Act approved March 4, 1909 (35 Stat. 1109).

CLAUSE 30. The Charterer warrants that it has not employed any person to solicit or secure this Agreement upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Owner the right to annul this Agreement or, in its discretion, to deduct from any sums payable under this Agreement the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by the Charterer upon agreements or sales secured or made through bona fide established commercial or selling agencies maintained by the Charterer for the purpose of securing business.

CLAUSE 31. Unless otherwise provided in this Agreement or mutually agreed upon, all payments, notices and communications from the Owner to the Charterer, pursuant to the terms of or in connection with this Agreement, shall be made or addressed to the Charterer at the address provided in Part I, and all payments, notices and communications from the Charterer to the Owner, pursuant to the terms of or in connection with this Agreement, shall be made or addressed to the Owner at its offices in Washington, District of Columbia.

(56 Stat. 242; 50 U.S.C. App. Sup. 1271; E.O. 9054, 3 CFR Cum. Supp.)

[SEAL] GRANVILLE CONWAY,
Acting Administrator.

APRIL 25, 1946.

[F. R. Doc. 46-6995; Filed, Apr. 25, 1946; 2:53 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 20—PIPE LINE COMPANIES: UNIFORM SYSTEM OF ACCOUNTS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held in its office in Washington, D. C. on the 22d day of April A. D. 1946.

The "Uniform System of Accounts for Pipe Lines" being under consideration by the division, pursuant to authority of section 20 of Part I of the Interstate Commerce Act and the modifications and amendments attached hereto [1] and made a part hereof being found necessary for the administration of Part I of the act; *It is ordered,* That:

1. All carriers by pipe line subject to Part I of the Interstate Commerce Act, and every receiver, trustee, executor, administrator, or assignee of any such carrier, shall comply with the "Uniform System of Accounts for Pipe Lines," as hereby modified and amended;

2. This order shall become effective January 1, 1947; and

3. A copy of this order shall be served upon every carrier by pipe line subject to Part I of the act, and upon every receiver, trustee, executor, administrator, or assignee of any such carrier and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-7024; Filed, Apr. 26, 1946; 11:39 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 1983]

AEROVIAS NACIONALES DE COLOMBIA, S. A.

NOTICE OF FURTHER HEARING

In the matter of the application of Aerovias Nacionales de Colombia, S. A. for issuance of a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that the above-entitled matter is assigned for further hearing upon the amendment filed March 22, 1946, proposing in addition to route (a) and (b) set forth in the original application, dated April 21, 1945, a route between Barranquilla or Bogota, Colombia, and New York, N. Y., either non-stop or with stops at any one or more of the following: Jamaica, Cuba, Haiti, British West Indies, and Washington, D. C., on May 9, 1946, at 10 a. m. (eastern standard time) in Room 5132, Commerce Building, Washington, D. C., before Examiner Charles J. Frederick.

Dated at Washington, D. C., April 25, 1946.

By the Civil Aeronautics Board:

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 46-7012; Filed, Apr. 26, 1946; 10:40 a. m.]

[1] Filed as part of the original document.

[Docket No. 415, et al.]

AUTOMATIC AIR MAIL, INC.; NORTH CENTRAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Automatic Air Mail, Inc., and others for certificates of public convenience and necessity authorizing additional air services in the states of Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, Nebraska, the eastern half of Montana, the Michigan upper peninsula and that part of Illinois west of Springfield and Chicago, under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that oral argument in the above-entitled proceeding is assigned to be held on May 6, 1946, at 10 a. m. (eastern standard time), in Room 5044 Commerce Bldg., 14th St., and Constitution Ave., N. W., Washington, D. C., before the Board.

Dated Washington, D. C., April 26, 1946.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 46-7053; Filed, Apr. 26, 1946; 11:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-716]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 25, 1946.

Notice is hereby given that on April 10, 1946, an application was filed with the Federal Power Commission by Hope Natural Gas Company ("applicant"), a corporation organized under the laws of the State of West Virginia, and having its principal place of business at 445 West Main Street, Clarksburg, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional gas transmission facilities described in the application as follows:

(1) *Additions to Hastings Compressor Station in Wetzel County, W. Va.* One 2,000 horsepower steam engine gas compressor unit.

(2) *Additions to Jackson Compressor Station in Kanawha County, W. Va.* Nine new gas compressor cylinders on present engines to replace present high stage compressors; and new discharge piping and gas cooler.

(3) *Loup Creek Compressor Station in Wyoming County, W. Va.* One 800 horsepower gas engine driven gas compressor unit; water coolers and gas coolers;

Buildings consisting of main pump house and auxiliary machinery consisting of water pumps, air compressor, tanks, pipe and fittings and other miscellaneous equipment; and

Four dwelling houses for employees.

(4) *Oscar Nelson Compressor Station in Wyoming County, W. Va.* Three 800 horsepower gas engine driven gas compressor units;

Water coolers and gas coolers;

Buildings consisting of main pump house and auxiliary machinery structure, and auxiliary machinery consisting of water pumps, air compressors, tanks, pipe and fittings and other miscellaneous equipment; and

Four dwelling houses for employees.

The application states that the applicant's transmision facilities now in operation and which it has proposed in the proceeding now pending *In the Matter of Hope Natural Gas Company*, Docket No. G–695, are designed to handle a maximum of 23,500 Mcf of Wyoming County gas daily at natural pressures on the general suction of Jackson Compressor Station. The construction and operation of Oscar Nelson Compressor Station and Loup Creek Compressor Station, together with the alterations now proposed at Jackson Compressor Station, will enable applicant to handle approximately 43,500 Mcf of Wyoming County gas daily.

Applicant proposes to install the new 2,000 horsepower steam engine driven compressor unit at Hastings Compressor Station No. 2, to increase the high pressure discharge capacity of the station. With the addition of 2,000 horsepower steam engine driven compressor unit proposed by applicant, Docket No. G–696, above referred to, Hastings Compressor Station No. 2 will have four units aggregating 8,000 horsepower available for the high pressure discharge of 800 or more pounds per square inch gauge. This will provide capacity of approximately 120,000 Mcf of natural gas per day to be divided between The East Ohio Gas Company and New York State Natural Gas Corporation. With the additional unit proposed in the application herein, applicant will have five units aggregating 10,000 horsepower available for the high pressure discharge and will have capacity from 140,000 to 145,000 Mcf of natural gas per day. This will provide for increased deliveries to New York State Natural Gas Corporation, the application states.

The proposed facilities are to be installed, according to the application, to meet the increasing requirements of applicant's present customers, particularly those of New York State Natural Gas Corporation. The requirements to be placed by that company upon applicant are expected to increase by approximately 8,000,000 Mcf of natural gas per year, the application states. New York State Natural Gas Corporation has requested applicant to increase from 14,000,000 Mcf to 22,000,000 Mcf annually the maximum volumes of natural gas deliverable under Hope Natural Gas Company Rate Schedule FPC No. 9. A supplemental agreement has been entered into between the companies which would modify the existing rate schedule so as to increase the volumes deliverable to the maximum requested, according to the application.

The estimated total cost of the proposed additions is $816,000.00, and is to be financed from cash on hand, the application states.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Hope Natural Gas Company should, on or before the 12th day of May 1946, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46–7014; Filed, Apr. 26, 1946; 10:41 a. m.]

[Docket No. G–718]

UNITED NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 25, 1946.

Notice is hereby given that on April 11, 1946, an application was filed with the Federal Power Commission by United Natural Gas Company ("applicant"), a corporation organized under the laws of the Commonwealth of Pennsylvania and having its principal place of business at 308 Seneca Street, Oil City, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional facilities to its existing natural gas transmission system as hereinafter described.

Applicant is engaged in the business of producing, purchasing and transporting natural gas in northwestern Pennsylvania and distributing it as a public utility in various cities, towns and villages in the western and northwestern portions of the state of Pennsylvania, and in a small portion of Ohio. Applicant also delivers gas to Andover Gas Company at the Pennsylvania-Ohio state line and to Iroquois Gas Corporation of Buffalo, New York, at the Pennsylvania-New York state line.

Applicant proposes to construct and operate approximately 19.5 miles of 12-inch welded steel pipe line to loop an existing 20-inch pipe line between applicant's Lamont Compressor Station in Jones Township, Elk County, Pennsylvania, and extending northerly to its Lewis Run By-Pass located in Lewis Run Borough, McKean County, Pennsylvania.

Applicant states that through the existing 20-inch pipe line it transports most of the gas which it delivers to Iroquois Gas Corporation, and a break in this line would seriously interrupt deliveries of gas to Buffalo, New York. According to the application, the construction and operation of the proposed 12-inch loop line would eliminate a hazardous situation, and would allow greater flexibility of operation with respect to gas wells and compressor stations and will permit higher rates of delivery on peak load days. Applicant states that peak load requirements on this system have increased greatly in recent years.

Applicant states that no industrial consumers are served from the existing 20-inch pipe line and none will be served from either that line or the proposed 12-inch line.

According to the application the necessity for the construction of the proposed 12-inch loop line became apparent several years ago when production from wells in New York state began to decline rapidly. Plans then made for its construction were delayed because of the war conditions which developed shortly thereafter.

The accelerated drain on production from all wells during World War II and the failure of recent drilling to develop new gas pools of any consequence in New York state makes the construction of the loop necessary at this time in order to maintain deliveries to Iroquois Gas Corporation with less danger of serious interruptions, the application states.

The estimated total over-all capital cost of the proposed construction is $450,000.00, and is to be financed from applicant's own resources.

Any interested state commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Part 67 of the provisional rules of practice and regulations under the Natural Gas Act, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to said application of United Natural Gas Company should, on or before the 12th day of May 1946, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46–7015; Filed, Apr. 26, 1946; 10:41 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 479, General Permit 3]

ICING OF POTATOES FROM SOUTH CAROLINA

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph of Service Order No. 479 (11 F.R. 3367), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car, loaded with potatoes, originating at any point in the State of South Carolina, to accord the first or initial icing with not to exceed five thousand (5000) pounds of ice at a regular icing station en route after the car is loaded and billed; and to reice in transit one time only at Potomac Yards, Virginia, with not to exceed five thousand (5,000) pounds of ice.

This general permit shall become effective at 12:01 a. m., April 24, 1946, and the icing and reicing authorized herein may be accorded on such refrigerator cars moving at that time. This general permit shall expire at 11:59 p. m., May 4, 1946.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of April, 1946.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 46-7025; Filed, Apr. 26, 1946; 11:40 a. m.]

[S. O. 493]

UNLOADING OF DELAYED CARS AT LAREDO, TEX, ON INTERNATIONAL-GREAT NORTHERN RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April, A. D. 1946.

It appearing, that certain cars containing various commodities at Laredo, Texas, on the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Commodities at Laredo, Texas, be unloaded. (a) The International-Great Northern Railroad Company, (Guy A. Thompson, Trustee), its agents or employees, shall unload forthwith the following cars loaded with various commodities now on hand at Laredo, Texas:

Initial and No.:	*Contents*
SLSF, 148393	Press.
ATSF, 150998	Radiators
SAL, 28807	Roofing cement.
B&O, 256192	Steel.
C&O, 4008	Boilers.
IC, 19186	Empty bottles.
ACL, 17468	Magnesium ingots.
B&O, 384013	Wire rope.
PRR, 51806	Steel clnds.

(b) *Notice and expiration.* Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction shall be served upon the International-Great Northern Railroad Company (Guy A. Thompson, Trustee), and upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-7021; Filed, Apr. 26, 1946; 11:39 a. m.]

[S. O. 494]

UNLOADING OF CARS AT LAREDO, TEX., ON TEXAS MEXICAN RAILWAY CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April, A. D. 1946.

It appearing, that certain cars containing various commodities at Laredo, Texas, on The Texas Mexican Railway Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Commodities at Laredo, Texas, be unloaded. (a) The Texas Mexican Railway Company, its agents or employees, shall unload forthwith the following cars now on hand at Laredo, Texas:

Initial and No:	*Contents*
B&O, 151194	Machinery.
PFE, 43235	Fire brick.
CNW, 72059	Refrigerator equipment.
CRIP, 42913	Brick.
SOOL, 38544	Empty bottles.
L&N, 26024	Machinery.
PFE, 46348	Fire brick.
PFE, 74857	Do.
L&N, 26350	Ry. track material.
SLSF, 150999	Empty bottles.
SP, 26615	Water heaters.
SP, 37657	Steel welding rods.

(b) *Notice and expiration.* Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction shall be served upon The Texas Mexican Railway Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-7022; Filed, Apr. 26, 1946; 11:39 a. m.]

[S. O. 495]

UNLOADING OF SHEET STEEL AT LAREDO, TEX., ON TEXAS MEXICAN RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1946.

It appearing, that certain cars containing sheet steel at Laredo, Texas, on The Texas Mexican Railway Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Sheet steel at Laredo, Texas, be unloaded. (a) The Texas Mexican Railway Company, its agents or employees, shall unload forthwith the following cars loaded with sheet steel now on hand at Laredo, Texas, consigned to General Export Iron & Metal Company:

Initial and Number	
PRR, 334941.	PRR, 297483.
PRR, 303632.	CNJ, 84034.
PRR, 344833.	PRR, 297571.
PRR, 304660.	L&N, 59179.

(b) *Notice and expiration.* Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon The Texas Mexican Railway Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-7023; Filed, Apr. 26, 1946; 11:39 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6186]

OTTO MARKIEWICZ

In re: Bank account owned by Otto Markiewicz.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Otto Markiewicz, whose last known address is Hamburg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Otto Markiewicz, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Otto Markiewicz, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges, or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take and one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6932; Filed, Apr. 25, 1946; 11:20 a. m.]

[Vesting Order 6187]

MEYER & CO.

In re: Bank account owned by Meyer & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Meyer & Co., the last known address of which is Thomaskirchhof 20, Leipzig C1, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Meyer & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Meyer & Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6933; Filed, Apr. 25, 1946; 11:20 a. m.]

[Vesting Order 6188]

F. W. MEYER & CO.

In re: Bank account owned by F. W. Meyer & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That F. W. Meyer & Co., the last known address of which is Hamburg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to F. W. Meyer & Co., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled F. W. Meyer & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien

Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–6934; Filed, Apr. 25, 1946; 11:20 a. m.]

[Vesting Order 6189]

SIGMUND MEYER

In re: Bank account owned by Sigmund Meyer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sigmund Meyer, whose last known address is Jena, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Sigmund Meyer, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Mr. Sigmund Meyer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–6935; Filed, Apr. 25, 1946; 11:20 a. m.]

[Vesting Order 6190]

S. NISHIMURA & CO.

In re: Bank account owned by S. Nishimura & Co.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That S. Nishimura & Co., the last known address of which is Osaka, Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Lampson, Fraser & Huth, Inc., by Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, arising out of a checking account, entitled Lampson, Fraser & Huth, Inc. in trust for S. Nishimura & Co., Osaka, Japan, as a national of Japan, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, S. Nishimura & Co., the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–6936; Filed, Apr. 25, 1946; 11:20 a. m.]

[Vesting Order 6191]

OLDENBURGER SPAR-U. LEIHBANK, ET AL.

In re: Bank accounts owned by Oldenburger Spar-u. Leihbank and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That each of the business organizations whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the business organiza-

tions whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of the bills payable register accounts, entitled in the manner set forth in said Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges, or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name and Last Known Address and Title of Account

Oldenburger Spar-u. Leihbank, Oldenburg, Germany, Oldenburg Spar und Leihbank.

Kronenberger & Co., Bad Kreuznach, Germany, Kronenberger & Co.

M. Hohenemsor, Bankgeschaeft, Frankfurt/Main, Germany, M. Hohenemser.

Gebrueder Arnhold, Dresden, Germany, Gebrueder Arnhold.

R. W. Heidorn, Bankgeschaeft, Hamburg, Germany, R. W. Heidorn.

Privatbank zu Gotha, Gotha/Thueringen, Germany, Privatbank zu Gotha.

Handels-und Verkehrsbank A. G., Feldstrasse 26, Hamburg, Germany, Handels u. Verkehrsbank.

Bayerische Handelsbank (Bodenkreditanstalt), Windenmacherstrasse 6, Munich, Germany, Bayerische Handelsbank.

Bayerische Vereinsbank, Promenadenstrasse 14, Munich, Germany, Bayerische Vereinsbank.

[F. R. Doc. 46-6937; Filed, Apr. 25, 1946; 11:21 a. m.]

[Vesting Order 6192]

SCHLESISCHE DEPOSITENBANK

In re: Bank account owned by Schlesische Depositenbank.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Schlesische Depositenbank, the last known address of which is Beuthen, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligatiton owing to Schlesische Depositenbank, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Schlesischen Depositenbank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6938; Filed, Apr. 25, 1946; 11:21 a. m.]

[Vesting Order 6193]

SEEMANN & CO. KOMMANDITGESELLSCHAFT

In re: Bank account owned by Seemann & Co. Kommanditgesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Seemann & Co., Kommanditgesellschaft, the last known address of which is Beuthen, Obersche, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Seemann & Co. Kommanditgesellschaft, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Seeman & Co. Kommandite Geselischaft, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an ap-

propriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6939; Filed, Apr. 25, 1946; 11:21 a. m.]

[Vesting Order 6194]

VOLKSBANK E. G. M. B. H.

In re: bank account owned by Volksbank e. G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Volksbank e. G. m. b. H., the last known address of which is Oberstein a. d. Nahe, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Volksbank e. G. m. b. H., by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Volksbank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6940; Filed, Apr. 25, 1946; 11:21 a. m.]

[Supp. Vesting Order 6195]

WALTER WEBER

In re: Bank accounts owned by Walter Weber, also known as Walther Weber and as Walther Hermann Weber.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 3663, dated May 17, 1944, that Walter Weber, also known as Walther Weber and as Walther Hermann Weber, is a national of a designated enemy country (Germany);

2. Finding that the property described as follows: a. That certain debt or other obligation owing to Walter Weber, also known as Walther Weber and as Walther Hermann Weber, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Mr. Walter Weber, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Walter Weber, also known as Walther Weber and as Walther Hermann Weber, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Mr. Walter Weber, Studio Account, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Walter Weber, also known as Walther Weber and as Walther Hermann Weber, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled Mr. Walter Weber, J. W. 9 Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6941; Filed, Apr. 25, 1946; 11:21 a. m.]

[Vesting Order 6196]

KICHITARO YAMANAKA

In re: Claim owned by Kichitaro Yamanaka, also known as Kitchitaro Yamanaka.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Kichitaro Yamanaka, also known as Kitchitaro Yamanaka, whose last known address is Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: All right, title, interest and claim of any name or nature whatsoever of Kichitaro Yamanaka, also known as Kitchitaro Yamanaka, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Kichitaro Yamanaka, also known as Kitchitaro Yamanaka, by Yamanaka and Company, Inc., Boston, Massachusetts, including particularly but not limited to those sums arising by reason of annual salary for services rendered as representative and general agent of Yamanaka and Company, Inc., Boston, Massachusetts, and any and all security rights in and to any and all obligations and the rights to enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6942; Filed, Apr. 25, 1946; 11:21 a. m.]

[Vesting Order 6197]

OSCAR ZILCHER

In re: Bank account owned by Oscar Zilcher.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Oscar Zilcher, whose last known address is 24 Hafer Street, Kassel, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Oscar Zilcher, by Cromwell Dime Savings Bank, Cromwell, Connecticut, arising out of a savings account, Account Number 164, entitled William J. Zilcher and Oscar Zilcher, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6943; Filed, Apr. 25, 1946; 11:22 a. m.]

[Vesting Order 6193]

BERLINER STADTSCHAFTS BANK, A. G.

In re: Bank account owned by Berliner Stadtschafts Bank, Aktiengesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Berliner Stadtschafts Bank, Aktiengesellschaft, the last known address of which is Berlin, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Berliner Stadtschafts Bank, Aktiengesellschaft, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Berliner Staatsbank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6944; Filed, Apr. 25, 1946; 11:22 a. m.]

[Vesting Order 6199]

A. LEVY BANKGESCHAEFT

In re: Bank account owned by A. Levy Bankgeschaeft.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That A. Levy Bankgeschaeft, the last known address of which is Hamburg, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to A. Levy Bankgeschaeft, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed dollar deposit account, entitled Alexander Levy, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-6945; Filed, Apr. 25, 1946; 11:22 a. m.]

[Vesting Order 6215]

Z. & F. ASSETS REALIZATION CORP.

In re: Z. & F. Assets Realization Corporation, pursuant to section 106 of the Stock Corporation Law of the State of New York (In Liquidation); File F-28-736; E. T. sec. 9246.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All rights and interests evidenced by Participation Certificates Series B in the numbers and face amounts set forth in Exhibit A, attached hereto and by reference made a part hereof, issued by Z. & F. Assets Realization Corporation (a New York Corporation), pursuant to a Trust Agreement dated April 2, 1925 between said Z. & F. Assets Realization Corporation and the Guaranty Trust Company of New York, The New York Trust Company, The Equitable Trust Company, Hubert E. Rogers and Frederick F. Greenman (Trustees), including particularly but not limited to the right to all dividends and other distributions or payments, whether of principal or of income, heretofore or hereafter declared or made on account of such Participation Certificates, the right to enforce and collect the same, and the right to have the outstanding certificates cancelled on the books and records of said corporation and to have issued in lieu thereof new certificates in the name of the Alien Property Custodian evidencing such rights and interests,

is property payable or deliverable to, or claimed by, the persons whose names appear in Exhibit A, attached hereto and by reference made a part hereof, the last known address of each being Germany, and who are nationals of a designated enemy country, Germany;

That such property is in the process of administration by the Z. & F. Assets Realization Corporation, c/o The New York Trust Company, 100 Broadway, New York, N. Y., acting under the judicial supervision of the Supreme Court of the State of New York, County of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name and certificate number	*Face amount*
Ernest Wertheimer & Co., 2206	$3,110.94
Andrew & Amalie Winter, 2274	2,208.11
Adolf Velte, B-2750	7,757.96
F. Lange & Co., 1293	930.85
H. F. Lehmann, 1294	13,109.31
Emil & Hugo Levy, 1295	27,955.19
Mrs. Agnes Linsener, 2420	384.38
Adolf Loehlein, 2130	660.05
Kux, Bloch & Co., 2937	1,686.88
Ephraim Mayer & Sohn, 1412	11,753.25
Meller, Sattler & Co., 1457	1,821.08
Willy Mengel, 2814	1,000.00
Mercklin & Schumacher, 1458	300.00
Max Meyerstein, 1461	2,120.66
Muenzsheimer & Co., 1414	6.04
Pinschof & Co., 1627	7,824.63
August Putsch, 1609	80.07
Allgemeine Depositenbank, 68	63.45
Hauer, Wurzburger & Company, 926	8.94
Herrmann & Hauswedell, 980	7,113.10
Otto Hartmann & Co., 2846	17,994.53
Curt A. Hertrampf, 923	50.00
Herz & Meinberg, 974	2,323.61
Gebrueder Heyman, 932	36.29
Ferdinand Jacobson, 2717	2,199.01
Miss Klara Johns, 2419	384.38
E. Jordan & Co., 1025	4,521.03
L. Josias & Co., 1026	3,747.50
Herman Joverscheck, 1017	7.66
Kahn & Co., 1115	6.20
Hugo Knoblauch & Co., 1163	2,652.07
Koch, Lauteren & Co., 1164	6,821.29
Anton Koegel, 1052	652.64
Erwin Koppel, 1165	1,089.08
C. H. Kretzschmar, 1134	8.47
Dr. P. Krusius, 1118	4.90
Norddeutsche Effektenbank, 2798	731.88
Karl Oswald, 1555	828.89
Reichs-Kredit, 1753	5,016.25
Gesellschaft, 2505	51.25
Rosenbaum & Wolf, 1758	10,595.05
William Schlutow, 2070	109.80
Henry Scheon, 2064	203.98
A. Spiegelberg, 1786	3,079.58
Stadtische Sparkasse, 2434	15,076.26
Nathan Stern, 2917	609.45
Baruch Strauss, 1792	20.57
Stuber & Co., 2073	4,174.52
Suedekum & Co., 2711	1,503.76
Hans Thomsen, K. G., 2110	534.27
Mr. George P. Ulbrich, 2388	400.00
Ulrichm Wolfson & Co., 2669	650.21
Vollman & Co., 2153	9.73
William F. Walz, 2784	4.25
Carl Wegfrass & Co., 2298	86.24
Edw. De Bary Wertheimber, 2224	1,185.88
Aron, Bauer & Co., 69	6,831.83
Friedrich Bachrach, 2895	22,166.89
Badische Bank Filiale Pforzheim, B-2852	20,736.21
Basten, Meyer & Co., 304	1,408.86
Joseph Bastgen, B-2398	51.50
L. Behrens & Sohne, 312	4,010.32
David Benjamin, 306	12,592.46
Berndt & Co., 178	15.00
Jacke Braun, 231	2.58
Bremer Privatbank, 309	3,464.93
Philipp Busch, 2540	800.18
Louis David, 433	58.96
Deutsche Handelsbank, A. G., 472	11,033.83
Deutsche Laenderbank, 2441	11,070.63
Direction der Disconto Gesellschaft, 2342	6,076.41
Dresdner Bank, 2339	83,491.14
Richard Edel, 534	7,019.89
Richard Else, 514	1,537.89
Lyra Bleistrift Fabrik, 1301	4,552.44
Mrs. Lisy Feigel, 2399	51.50
Alfred Fester & Co., 624	11.37
M. B. Franck & Co., 662	2,715.89
Gustave Frank, 634	754.38
Victor Frank, 626	765.27
Johannes Gerlof, 732	191.97
S. & H. Goldschmidt, 802	3,206.29
Leopold Hamburger, 463	28.00
Hamburger Handelsbank, 925	5,644.09

EXHIBIT A—Continued

Name and certificate number	*Face amount*
Ephrussi & Co., 515	$4,885.63
Anton Exner and/or Adele Exner, 2903	2,687.93
E. Otto Frankel, B-3074	13,976.49
S. Bosel, 313	157.50

[F. R. Doc. 46-6946; Filed, Apr. 25, 1946; 11:22 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. SO 119, Order 176]

SOUTHERN DESK CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119; it is ordered:

(a) *Manufacturer's ceiling prices.* Southern Desk Company of Hickory, North Carolina may compute its adjusted ceiling prices for all articles of school, office, church and theater furniture which it manufactures as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 20.4 percent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with "Note 3" in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

The adjustment charge determined in accordance with this order must be separately stated by the manufacturer on each invoice to a purchaser for resale.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

A reseller who had a properly established maximum price in effect before this order was issued for an article covered by this order may add to that maximum price an adjustment charge in the same dollar-and-cents amount as the adjustment charge authorized by this order for, and which he had paid to his supplier.

If the reseller did not have a properly established maximum price for the article in effect before this order was issued he shall first determine a maximum price (exclusive of adjustment charges), and to that price he may add an adjustment charge in the same dollar-and-cents amount as the adjustment authorized by this order for, and which he has paid to, his supplier. To find his maximum price (exclusive of adjustment charges) for this purpose the reseller shall add to his invoice cost, less an adjustment charge stated on that invoice, the same percentage mark-up which he has on the "most comparable article" for which he has properly established ceiling price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

The provisions of Supplementary Order No. 153 shall not apply to resale prices or articles covered by this order.

(c) *Terms of sale.* Maximum prices adjusted by this order are subject to each seller's terms, allowances and other price differentials in effect during March 1942, or which have been properly established under the applicable OPA regulation.

(d) *Notification.* At the time of or prior to the first invoice to a purchaser for resale, showing a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the methods established in paragraph (b) of this order for determining adjusted maximum prices for resales of the articles covered by this order. This notice may be given in any convenient form.

(e) *Revocation or amendment.* This order may be revoked or amended by the Price Administrator at any time.

(f) *Effective date.* This order shall become effective on the 26th day of April 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6979; Filed, Apr. 25, 1946; 11:38 a. m.]

[Rev. SO 119, Order 178]

OHMER CORP.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Ohmer Corporation, Post Office Box 998, Dayton, Ohio, may compute its adjusted ceiling prices for its sales of the cash registers, bus registers and taximeters which it manufactures, as follows:

(1) For an article which has properly established ceiling price in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increase by 51 percent.

(2) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(3) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A reseller who had a properly established maximum price in effect before this order was issued for an article covered by this order may add to that maximum price an adjustment charge in the same dollar-and-cent amount as the adjustment charge authorized by this order for, and which he has paid to, his supplier.

(2) If the reseller did not have a properly established maximum price for the article in effect before this order was issued he shall first determine a maximum price (exclusive of adjustment charges), and to that price he may add an adjustment charge in the same dollar-and-cents amount as the adjustment authorized by this order for, and which he has paid to, his supplier. To find his maximum price (exclusive of adjustment charges) for this purpose the reseller shall add to his invoice cost, less an adjustment charge stated on that invoice, the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form No. 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(3) If the maximum resale price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to the seller's terms, discounts and allowances on sales to each class of purchaser in effect during March 1942, or thereafter properly established under OPA regulations.

(d) The provisions of Supplementary Order No. 153 shall not apply to sales of any articles covered by this order.

(e) *Changes in resellers' margins.* Resellers' maximum prices adjusted in accordance with this order are subject to further adjustments which may result from any change in resellers' margins which may be effected by the Office of Price Administration to obtain absorption by resellers of any industry-wide increase in manufacturers' maximum prices.

(f) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

The amount of the adjustment determined in accordance with this order must be stated separately on invoices for all sellers of the article covered by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

(h) This order shall become effective on the 25th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6980; Filed, Apr. 25, 1946; 11:33 a. m.]

[SO 142, Amdt. 1 to Order 57]

LINE MATERIAL CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 57 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Line Material Company. Docket No. 6083-S.O. 142-136-55.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

1. Paragraph (b) of Order No. 57, issued on March 26, 1946, to the Line Material Company, Milwaukee, Wisconsin, is hereby amended to read as follows:

(b) The maximum prices for sales by resellers of the products described in paragraph (a) of Order No. 57, shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of Order No. 57 by the percentage by which his net invoiced cost has been increased by reason of Order No. 57.

2. This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective April 26, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6981; Filed, Apr. 25, 1946; 11:39 a. m.]

[SO 142, Order 90]

BOWERS MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 90 Under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Bowers Manufacturing Company. Docket No. 6083-S.O. 142-136-202.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 2 of Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by the Bowers Manufacturing Company, Los Angeles, California, of all its products covered by any of the regulations listed in Supplementary Order No. 142, shall be determined by increasing by 13.6% the maximum prices for these products in effect just prior to the issuance of this order.

(b) The maximum prices for sales by resellers of the products described in paragraph (a) above shall be determined as follows: The reseller shall increase the maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, by the same percentage by which his net invoiced cost has been increased by reason of this order.

(c) The Bowers Manufacturing Company shall notify each purchaser, who buys the products listed in paragraph (a) above for resale, of the percentage by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 26, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6982; Filed, Apr. 25, 1946; 11:39 a. m.]

[MPR 64, Rev. Order 269]

FIRESTONE TIRE AND RUBBER CO.

APPROVAL OF MAXIMUM PRICES

Order No. 269 under section 11 of Maximum Price Regulation No. 64 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register; and pursuant to section 11 of Maximum Price Regulation No. 64: *It is ordered:*

(a) This revised order establishes maximum prices for sales of the Model 5-C-3 electric range manufactured for Firestone Tire and Rubber Company, of Akron 17, Ohio, as follows:

(2) For sales in each zone by retail dealers to ultimate consumers, the maximum prices, including the Federal excise tax, but not including any state or local taxes imposed at the point of sale, are those set forth below:

Article	Model	Maximum prices for sales by retail dealers to ultimate consumers	
		Zone 1	Zone 2
Electric range	5-C-3	$178.95	$187.95

These maximum prices include delivery; a one-year warranty; and installation where the installation requires only that the range be connected to electric facilities to be provided by the consumer, and such connection does not require any additional materials. If a range cord set (customarily referred to in the industry as a "pigtail") is required, and is furnished by the retail dealer, he may add $3.50 to the applicable OPA retail ceiling price shown above. In all other respects these maximum prices are subject to each seller's customary terms, discounts, allowances, and other price differentials, in effect on sales of similar articles.

(b) For the purposes of this revised order, Zones 1 and 2 comprise the areas described in Order No. 262 under Maximum Price Regulation No. 64, issued by the Office of Price Administration to Firestone Tire and Rubber Company on March 1, 1946; and that description is incorporated herein by reference.

(c) The Firestone Tire and Rubber Company shall attach or cause to be attached to the outside oven door panel of each range, prior to its shipment to a retail dealer, a label which contains all of the following information:

1. The model number of the range.
2. The OPA retail ceiling price of the range in each zone.
3. A statement of the areas included in each zone.
4. A statement that the ceiling prices shown include the Federal excise tax, delivery, a one-year warranty and installation where the installation requires only that the range be connected to electric facilities to be provided by the purchaser and such connection does not require any additional materials.
5. A statement that if the installation requires the use of a range cord set (customarily referred to in the industry as a "pigtail") and a range cord set is furnished by the retail dealer, he may add $3.50 to the applicable OPA retail ceiling price of the range.

(d) This revised order may be revoked or amended by the Price Administrator at any time.

(e) This revised order shall become effective on April 26, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6963; Filed, Apr. 25, 1946; 11:39 a. m.]

[MPR 64, Order 285]

SKELLY OIL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of the Model SK-600 gas range manufactured for Skelgas Division—Skelly Oil Company, of Kansas City 10, Missouri, as follows:

(1) For sales in each zone by Skelgas Division—Skelly Oil Company to retail dealers the maximum prices, including the Federal excise tax are those set forth below:

Model	Article	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
SK-600	Gas range	$71.28	$72.65	$74.04	$77.67

These prices are f. o. b. Kalamazoo, Michigan; and they are subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Article	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
SK-600	Gas range	$111.25	$113.50	$115.50	$121.25

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting $6.00 from his maximum price as shown for sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) Before delivering any range covered by this order, after the effective date thereof, Skelgas Division—Skelly Oil Company shall attach or cause to be attached securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $6.00 less than the price shown on the label.

(c) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1. Michigan.

Zone 2. Illinois, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Indiana, South Carolina, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, and the District of Columbia.

Zone 3. Maine, Florida, North Dakota, South Dakota, Nebraska, Oklahoma, Arkansas, Louisiana, Texas, New Mexico, Colorado, Wyoming, and Montana.

Zone 4. Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 26th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6964; Filed, Apr. 25, 1946; 11:39 a. m.]

[MPR 188, Amdt. 1 to Order 2 Under Order 6]

NOBLITT-SPARKS INDUSTRIES, INC.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register and pursuant to § 1499.159e of Maximum Price Regulation No. 188: *It is ordered,* That Order No. 2 under Order No. 6 under Maximum Price Regulation No. 188 is amended in the following respect:

1. Paragraph (a) is amended to add to the list of articles contained therein the following articles and prices:

Model No.	Article	Resellers' uniform ceiling prices in zones 1 and 2 to— Wholesalers (jobbers) (each)	Retailers (6 or more units) (each)	Retailers (less than 6 units) (each)	Consumers (each)
2200	Electric iron, automatic, with cord and plug, 100 watt element	$5.10	$6.03	$6.51	$9.75
6250	Electric iron, automatic, with cord and plug, 100 watt element	4.98	5.88	6.33	9.50

This amendment shall become effective on the 26th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6966; Filed, Apr. 25, 1946; 11:40 a. m.]

[MPR 188, Order 4975]

CENTURY CERAMICS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Century Ceramics, Inc., 799 Greenwich Ave., New York City, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model Nos.	For sales by the manufacturers to— Jobbers	Retailers	For sales by any person to consumers
China base lamp, decal decoration	450-D	*Each* $2.83	*Each* $3.33	*Each* $6.00
China base lamp, hand decorated	920	10.77	12.67	22.80

These maximum prices are for the articles described in the manufacturer's application dated April 3, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 26th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6969; Filed, Apr. 25, 1946; 11:40 a. m.]

[MPR 188, Order 4976]

ACME MASTERCRAFTS CO. INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Acme Mastercrafts Co., Inc., 54 West 21st Street, New York 10, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model Nos.	For sales by the manufacturers to— Jobbers	Retailers	For sales by any person to consumers
24½" decorated china table lamp	500	*Each* $7.65	*Each* $9.00	*Each* $16.20
25" decorated china table lamp	501	7.65	9.00	16.20
27½" decorated china table lamp	502	10.20	12.00	21.60

These maximum prices are for the articles described in the manufacturer's application dated December 22, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 26th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6970; Filed, Apr. 25, 1946; 11:40 a. m.]

[MPR 188, Order 4977]

CHARLES PARKER CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by The Charles Parker Company, Hanover Street, Meriden, Conn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailers	
Polished brass colonial reading lamp	A-7703	*Each* $14.02	*Each* $16.50	*Each* $29.70

These maximum prices are for the articles described in the manufacturer's application dated April 17, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, net. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 26th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6971; Filed, Apr. 25, 1946; 11:40 a. m.]

[MPR 188, Order 4978]

CAMEO NOVELTY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Cameo Novelty Company, 44 West 22nd Street, New York 10, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model Nos.	For sales by manufacturers to—		For sales by any person to consumers
		Jobbers	Retailers	
Acetate plastic boudoir and vanity lamps in five different designs and mounted on glass, metal or marbleized bases.	1825 1930 1950 2050 2130	*Each* $3.00	*Each* $3.53	*Each* $6.35

These maximum prices are for the articles described in the manufacturer's application dated November 10, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, net delivered. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 26th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6972; Filed, Apr. 25, 1946; 11:41 a. m.]

[MPR 188, Order 4979]

RIVIERA LAMP CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Riviera Lamp Corporation, 799 Greenwich Street, New York 14, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model Nos.	For sales by the manufacturers to—		For sales by any person to consumers
		Jobbers	Retailers	
Decorated china table lamp	101	*Each* $5.31	*Each* $6.25	*Each* $11.25
Hand decorated china table lamp, royal worcester finish with hand made metal base	920	20.19	23.75	42.75

These maximum prices are for the articles described in the manufacturer's application dated April 3, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 26th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6973; Filed, Apr. 25, 1946; 11:41 a. m.]

[MPR 188, Order 4980]

TAC INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Tac Industries, Inc., 44 De Kolb Avenue, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by the manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Pine and plastic juvenile piggy lamp.....	610	*Each* $1.70	*Each* $2.00	*Each* $3.60

These maximum prices are for the articles described in the manufacturer's application dated January 21, 1946.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 26th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6974; Filed, Apr. 25, 1946; 11:41 a. m.]

[Rev. SO 119, Order 179]

MULLINS MFG. CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 179 under Revised Supplementary Order No. 119; Docket No. 6123-SO 119-46.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 of Revised Supplementary Order No. 119, it is ordered:

(a) *Maximum prices for Mullins Manufacturing Corporation, Salem, Ohio.* (1) The above manufacturer may determine his maximum prices for his line of sinks and undersink cabinets by increasing by 13 percent his prices on these items in effect on October 1, 1941 to each class of purchaser.

(2) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer may continue to use as his maximum prices to each class of purchaser his properly established prices in effect under Maximum Price Regulation No. 591 in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941 plus the increase provided for in (1) above.

(3) The maximum prices set forth above shall be subject to discounts and allowances including transportation allowances and price differentials which are at least as favorable as those the manufacturer extended or rendered or would have extended or rendered to each class of purchaser on commodities in the same general category during March 1942.

(b) *Resellers' maximum prices.* All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their presently established maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted the manufacturer by this order.

(c) *Notificatiton to all purchasers.* The manufacturer shall send the following notice to every purchaser of the commodities covered by this order at or before the time of the first invoice after the adjustment granted by this order is put into effect:

Order No. 179 under Revised Supplementary Order No. 119 authorizes a 13 percent increase in October 1, 1941 net prices for sales of sinks and undersink cabinets manufactured by this company.

Resellers (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their existing maximum prices the actual dollars-and-cents increase in cost resulting from the adjustment granted by Order No. 179.

(d) All prayers for relief not granted herein are denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective April 25, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7006; Filed, Apr. 25, 1946; 4:31 p. m.]

[MPR 260, Amdt. 2 to Order 448]

CLYDE R. HEED

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered,* That:

The maximum prices for the "Cardinal-Cardinal" cigars set forth in Paragraph (a) of Order No. 448 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Cardinal.....	Cardinal.....	50	*Per M* $48	*Cents* 6

This amendment shall become effective April 26, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6975; Filed, Apr. 25, 1946; 11:41 a. m.]

[MPR 260, Amdt. 1 to Order 1608]

ELIZABETH M. BRENEMAN

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

The maximum prices for the "Hav-A-Lena-Corona" cigars set forth in paragraph (a) of Order No. 1608 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Hav-A-Lena	Corona	50	*Per M* $75	*Cents* [1] 10

[1] Prices apply to this brand and frontmark using only Connecticut Shadegrown (Type 61) L. C. 16" wrappers and 50% Havana (Type 81) short filler as specified in amended application. Attention of manufacturer is directed to average retail price ceiling requirement of Maximum Price Regulation 260.

This amendment shall become effective April 26, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-6976; Filed, Apr. 25, 1946; 11:42 a. m.]

[MPR 188, Order 4974]

IMPERIAL LAMP CO. INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Imperial Lamp Co. Inc., 391 Eastern Parkway, Brooklyn, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model Nos.	For sales by the manufacturers to—		For sales by any person to consumers
		Jobbers	Retailers	
Hand decorated Worcester china table lamp with hand made metal base	96	*Each* $15.49	*Each* $18.22	*Each* $32.80
Hand decorated Tiffany finish china table lamp	511	11.22	13.20	23.76

These maximum prices are for the articles described in the manufacturer's application dated April 3, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2%, 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 26th day of April 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7002; Filed, Apr. 25, 1946; 4:31 p. m.]

[MPR 580, Rev. Order 28]

L. GREIF & BRO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Revised Order 28. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-631.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, Order No. 28 is redesignated Revised Order No. 28 to read as follows: *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by L. Greif & Bro., Inc., Homeland Avenue, Govans, Baltimore 12, Md., and described in the manufacturer's applications dated April 17, 1945, and April 16, 1946:

Article	Brand name	Manufacturer's price list	Retail ceiling price
Coat and pants	Priestley's Nor-East	$23.71-$23.82	$39.50
Coat, vest and pants	do	26.29- 26.41	44.00
Dinner jacket	do	16.54	27.50
Dress trousers	do	6.78	11.50
Sport trousers or slacks	do	8.91- 8.96	15.00

(b) The retail ceiling price of an article stated in paragraph (a) shall apply to any other article of the same type, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this order.

(c) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which have been or would otherwise be established under this or any other regulation.

(d) On and after May 15, 1946, L. Greif & Bro., Inc., must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Sec. 13, MPR 580)
OPA Price—$------

On and after June 1, 1946, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to June 1, 1946, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

(e) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order, and any subsequent amendment thereto.

(f) Unless the context otherwise requires, the provisions of the applicable regulation shall apply to sales for which retail ceiling prices are established by this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 25, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7003; Filed, Apr. 25, 1946; 4:32 p. m.]

[MPR 580, Amdt. 3 to Order 202]

AUGUSTA KNITTING CORP.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Amendment 3 to Order 202. Establishing

ceiling prices at retail for certain articles. Docket No. 6063–580–13–639.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 202 is amended in the following respects.

1. Paragraph (a) is amended by deleting the manufacturer's line of men's underwear listed under the brand name HAPS No. 1.

2. Paragraph (a) is amended by adding the following:

Brand name	Sizes	Manufacturer's selling price	Retail ceiling price
		Per dozen	*Per unit*
Haps No. 1	34–46	$10.20	$1.30
	48–50	12.45	1.60
	52–54	15.60	2.00
	56–58	18.75	2.40

This amendment shall become effective April 25, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7004; Filed, Apr. 25, 1946; 4:32 p. m.]

[MPR 591, Order 446]

BARLOW ENGINEERING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following Electric Water Cooler, manufactured by the Barlow Engineering Company, 151–5 East 128th Street, New York 35, New York, and as described in the application dated March 26, 1946, which is on file with the Prefabrication and Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—			
	National Sales Agency	Distributors	Dealers	Consumers
Model CP10	$132.50	$150.00	$185.50	$265.00

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Barlow Engineering Company of New York City shall attach a tag to the electric water cooler, covered by this order, reading as follows:

OPA Maximum Retail Price $------

Plus freight and crating as provided in Order No. 446 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective April 25, 1946.

Issued this 25th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7005; Filed, Apr. 25, 1946; 4:31 p. m.]

[RMPR 113, Order 8]

IRON ORE PRODUCED IN MINNESOTA, WISCONSIN, OR MICHIGAN

ORDER AUTHORIZING ADJUSTABLE PRICING

The Price Administrator has been advised by his Iron Ore Industry Advisory Committee that it believes that appropriate adjustments will be required, in the near future, in the maximum prices established by Revised Maximum Price Regulation 113 for sales of iron ore produced in the Lake Superior District. The Committee has recommended that persons subject to the Regulation be authorized to deliver, or agree to deliver, pending the disposition of this case, iron ore at prices to be adjusted upwards in accordance with action which may be taken by the Office of Price Administration.

The Office of Price Administration is presently conducting a survey of representative producers of iron ore for the purpose of measuring the propriety of existing maximum prices under the provisions of the Emergency Price Control Act of 1942, as amended, and applicable Executive orders. It has become apparent, however, that an immediate decision cannot be reached because of uncertain factors and the peculiar seasonal nature of the industry. The granting of permission to enter into adjustable pricing agreements is therefore necessary, in the opinion of the Administrator, to promote the distribution of iron ore vitally needed for effective transition to a peacetime economy.

A similar situation arose in 1944 and the Price Administrator granted adjustable pricing permission to iron ore producers in Order No. 7 under section 3 of Revised Maximum Price Regulation 113. The opinion accompanying that action stated in part:

> Unlike most manufacturing industries, the iron ore industry in the Lake Superior region conducts its affairs upon a seasonal basis due primarily to the fact that shipments are made only during the months of navigation on the Great Lakes. Customarily, one price is charged for ore shipped during a given season and payments are made in twelve monthly installments. All payments before the end of the season, however, are subject to final adjustment for grade and analysis after all ore has been shipped. Under these circumstances, it is necessary to take measures which will insure that any adjustment in maximum prices which may be granted during the 1944 season will be applicable to all ore shipped during that season. Unless this is done, serious disruption may occur in the even flow of this essential commodity. Uncertainty about price may result in hesitancy to enter into firm commitments for the full season and producers who ship both captive and merchant ore may find it desirable to restrict shipments of the latter type until a decision has been reached. The granting of authorization to enter into adjustable pricing agreements will remove these difficulties and will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. This action is not to be considered as an indication of whether, or to what extent, an increase in maximum prices will be made.

Similar considerations are pertinent to present circumstances, and this order is being issued to permit again iron ore producers to enter into adjustable pricing agreements until such time as the Price Administrator acts upon the pending request for price adjustment or the permission is withdrawn.

Therefore, in accordance with section 3 of Revised Maximum Price Regulation 113, *It is ordered:*

(a) Persons selling iron ore produced in Minnesota, Wisconsin or Michigan may deliver or agree to deliver, and purchasers may receive or agree to receive, such ore at prices to be adjusted upward after delivery to an amount not in excess of the maximum prices established by the Office of Price Administration in taking final action upon the pending request for an increase in existing maximum prices. Prior to such action, no payment in excess of the maximum prices in effect at time of delivery shall be made or received.

(b) This order shall be automatically revoked upon the effective date of any amendment or other formal action by the Office of Price Administration increasing maximum prices for iron ore produced in Minnesota, Wisconsin or Michigan or upon denial of the pending request for an increase in the present maximum prices for such ore. It may be revoked or amended by the Administrator at any time.

This order shall become effective April 26, 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7042; Filed, Apr. 26, 1946; 11:50 a. m.]

[MPR 188, Amdt. 1 to Order 8]

RECONVERSION CONSUMER DURABLE GOODS PRODUCTS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered*, That Order No. 8 under Maximum Price Regulation No. 188 be amended in the following respects:

1. Section 3 (b) is amended to read as follows:

(b) *Increase factor.* Manufacturers may increase, by seven per cent, their maximum prices (exclusive of any permitted increases) properly established under Maximum Price Regulation No. 188 or the "comparability method" of Order No. 4332 under that regulation for sales to all persons except ultimate consumers.

2. Section 3 (c) (1) is amended to read as follows:

(1) His maximum price properly established under Maximum Price Regulation No. 188 or the "comparability method" of Order No. 4332 under that regulation increased by seven per cent in accordance with paragraph (b) of this section.

3. Section 3 (d) (1) is amended to read as follows:

(1) If his selling price for the article is not more than seven per cent above its properly established maximum price to a particular class of purchaser (exclusive of all permitted increases), his unadjusted maximum price to that class of purchaser is that properly established maximum price (exclusive of all permitted increases).

4. Section 3 (d) (2) is amended to read as follows:

(2) If his selling price for the article is more than seven percent above its properly established maximum price to a particular class of purchaser (exclusive of all permitted increases) he finds his unadjusted maximum price to that class of purchaser as follows:

Step 1. He determines the percentage amount by which his actual selling price exceeds his properly established maximum price (exclusive of all permitted increases).

Step 2. He deducts seven percentage points from the percentage found in Step 1.

Step 3. He adds to his maximum price (exclusive of all permitted increases) the percentage amount found in Step 2. The resulting amount is his "unadjusted maximum price".

EXAMPLE OF HOW A MANUFACTURER FINDS HIS "UNADJUSTED MAXIMUM PRICE" WHEN HIS SELLING PRICE IS MORE THAN SEVEN PERCENT ABOVE HIS MAXIMUM PRICE

A manufacturer has a properly established maximum price (exclusive of all permitted increases) of $30.00 for a metal dinette set. He has received an order under Supplementary Order No. 119 permitting him to increase his maximum prices by ten percent, however, his actual selling price on a particular sale is only $32.40. The steps by which he finds his "unadjusted maximum price" are as follows:

Step 1. His selling price is $2.40 above his previous maximum price. This he finds to be 8 percent above that maximum price.

Step 2. He deducts seven percentage points from eight percent, and the result is one percent.

Step 3. He adds one percent to his previous maximum price of $30.00. The "unadjusted maximum price" which he shows on his invoice for that sale is therefore $30.30.

5. Footnote 2 to section 3 (c) (2) is amended to read as follows:

[2] This refers to Supplementary Orders Nos. 118 and 148, and to orders issued under Supplementary Orders Nos. 119, 133 and 148, and Order No. A–2 under Maximum Price Regulation No. 188.

6. Section 12 (b) is amended to read as follows:

(b) *Supplementary Order Nos. 118, 119, 133 and 148, or Order No. A–2 under Maximum Price Regulation No. 188.* If a manufacturer is eligible for an adjustment under Supplementary Orders Nos. 118, 119, 133, or 148, he may nevertheless adjust his maximum prices under this order instead of under those provisions. Manufacturers may continue to adjust their maximum prices in accordance with any increases permitted under Supplementary Orders Nos. 118, 119, 133, and 148 or Order No. A–2 under Maximum Price Regulation No. 188, instead of the increase factor specified in section 3.

This amendment shall become effective on 29th day of April 1946.

Issued this 26th day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46–7043; Filed, Apr. 26, 1946; 11:52 a. m.]

[MPR 188, Order 4973]

SHOVELS, SPADES AND SCOOPS

INTERIM ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

SEC. 1. *Purpose of this order.* This order is issued to allow manufacturers of steel shovels, spades and scoops an interim price increase. It is based on the operating experience of certain representative manufacturers and will remain in effect until the Office of Price Administration can obtain further information on which to base a final determination of the increases in maximum prices which can be authorized. Interim adjustments are also made in resellers' maximum prices.

SEC. 2. *Manufacturers' maximum prices.* Manufacturers of steel shovels, spades and scoops may add to their maximum prices for these articles determined under Maximum Price Regulation No. 188 an adjustment charge equal to 9% of their maximum price to each class of purchaser. The amount of the adjustment shall be separately stated on each invoice.

SEC. 3. *Resellers' maximum prices.* A reseller of articles covered by this order may add to his properly established maximum prices under the General Maximum Price Regulation an adjustment charge in the same dollar-and-cents amount as the adjustment charge authorized by this order for, and which is paid by him to his supplier. A reseller who has not properly established his maximum price under the General Maximum Price Regulation for an article covered by this order shall first determine a maximum price (exclusive of adjustment charges) and to that price he may add an adjustment charge in the same dollars-and-cents amount as the adjustment authorized by this order for, and which he has paid to, his supplier.

SEC. 4. *Notification.* At the time of, or prior to the first invoice to a purchaser for resale, each seller shall notify the purchaser of the adjustment in resellers' prices provided by this order. This notification may be given in any convenient form.

This order shall become effective April 26, 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46–7046; Filed, Apr. 26, 1946; 11:51 a. m.]

[MPR 478, Order 168]

COATED AND COMBINED FABRICS

AUTHORIZATION OF SALES AT ADJUSTABLE MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 17 of Maximum Price Regulation 478, *It is ordered:*

Any manufacturer or converter of coated or combined fabrics as defined in Maximum Price Regulation 478 may sell such fabrics to cutters or any persons other than resellers at prices to be adjusted upward in accordance with action that may hereafter be taken by the Office of Price Administration, changing the existing maximum prices for sales of such coated or combined fabrics. However, no seller shall receive payment of more than the presently established maximum price for sales of such coated or combined fabrics unless and until the Office of Price Administration changes existing maximum prices.

This order may be amended or revoked by the Administrator at any time.

This order shall become effective April 26, 1946.

Issued this 26th day of April 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46–7050; Filed, Apr. 26, 1946; 11:52 a. m.]

[MPR 580, Amdt. 2 to Order 128]

PHOENIX HOSIERY CO.

ESTABLISHMENT OF CEILING PRICES

Establishing ceiling prices at retail for certain articles; Docket No. 6063–580–13–559.

For the reasons set forth in the Opinion issued simultaneously herewith, Order No. 128 issued September 12, 1945, under section 13 of Maximum Price Regulation 580 on application of Phoenix Hosiery Company, Milwaukee, Wisconsin, is amended in the following respects:

1. Paragraph (a) is amended by adding under the heading "Neckties" the following:

Style number	Supplier's selling price (per dozen)	Retail ceiling price (each)
TS90	$15.50	$2.25

2. Paragraph (e) is amended by adding the words "and all subsequent amendments" after the words "The seller shall send the purchaser a copy of this order."

3. A new paragraph (h) is added to read as follows:

(h) With respect to necktie, style number TS90, the provisions of paragraph (d) shall apply, except that the dates May 15, 1946 and June 15, 1946 shall be substituted for the dates October 1, 1945 and November 1, 1945, respectively.

This amendment shall become effective April 27, 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7051; Filed, Apr. 26, 1946; 11:52 a. m.]

[MPR 580, Amdt. 3 to Order 234]

J. F. HARDEMAN CO.

ESTABLISHMENT OF MAXIMUM PRICES

Establishing ceiling prices at retail for certain articles; Docket No. 6063-580-13-578.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 234 issued under section 13 of Maximum Price Regulation 580 on application of J. T. Hardeman Hat Company, Seattle, Washington, is amended in the following respects:

1. Paragraph (a) is amended by adding the following:

MEN'S HATS

Style name	Manufacturer's selling price (per dozen)	Retail ceiling price (per unit)
Aristocrat	$60.00	$8.50

2. Paragraph (a) is corrected to establish the following retail ceiling price for the article below:

MEN'S HATS

Style name	Manufacturer's selling price (per dozen)	Retail ceiling price (per unit)
Royal Supreme	$84.00	$12.50

3. A new paragraph (h) is added to read as follows:

(h) Until May 15, 1946 the provisions of paragraph (d) are suspended insofar as J. T. Hardeman Company is directed to preticket articles for which retail prices are established on April 27, 1946 under this Order. (The provisions of paragraph (d) remain in force however with regard to preticketing other articles in Order No. 234.) On and after June 15, 1946 no retailer may offer or sell these articles unless they are marked or tagged in the form prescribed in paragraph (d). Prior to June 15, 1946, if the articles are marked or tagged with a retail ceiling price different from the one established under this order or if the articles are unmarked and untagged, the retailer shall comply with the marking, tagging and posting provisions of the regulation applicable in the absence of this order.

This amendment shall become effective April 27, 1946.

Issued this 26th day of April 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-7052; Filed, Apr. 26, 1946; 11:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-124, 59-79, 70-1197]

SEATTLE GAS CO.

NOTICE OF FILING OF AMENDED PLAN AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of April A. D. 1946.

Seattle Gas Company ("Seattle"), a gas utility company and a subsidiary of Portland General Electric Company and Portland Electric Power Company, registered holding companies, having on April 7, 1945, filed an application for approval of a plan of recapitalization of Seattle for the purpose of complying with the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935; the Commission in its notice of filing and order for hearing issued April 13, 1945 (Holding Company Act Release No. 5725), having summarized the terms of said plan and having ordered a hearing thereon; Seattle having on May 8, 1945, filed an amendment to its plan of recapitalization modifying the original plan filed April 7, 1945, in various respects; and hearings having been held pursuant to such notice on said original plan and the amendment thereto, extensive testimony having been taken and numerous exhibits having been introduced, and the hearing having been continued subject to the call of the trial examiner; and

Seattle having on November 28, 1945 filed an application (File No. 70-1197) pursuant to section 6 (b) of the act and Rule U-50 promulgated thereunder proposing to issue and sell, at a price to be determined by competitive bidding, $4,800,000 principal amount of First Mortgage Bonds; and the Commission having on December 3, 1945 issued its notice of filing and order for hearing and directed that such application (File No. 70-1197) and the proceedings theretofore commenced and instituted by the Commission (File No. 54-124 and File No. 59-79) be consolidated and that a consolidated hearing under the applicable provisions of the act be reconvened for the purpose of considering said application in the light of the matters and questions contained in the record theretofore instituted before this Commission; and the Commission having granted said application in its findings and opinion and order, dated December 28, 1945, and in its supplemental order thereto, dated January 15, 1946; and Seattle having applied the net proceeds of the $4,800,000 principal amount of First Mortgage Bonds, 3⅝% Series, due 1976, to redeem the then outstanding $4,678,250 principal amount of First and Refunding Mortgage Bonds, 5% Series A, due October 1, 1954:

Notice is hereby given that on April 16, 1946 Seattle filed an amended plan of recapitalization, which amended plan modifies the original plan filed April 7, 1945 in various respects.

All interested persons are referred to said amended plan which is on file in the offices of this Commission, for a full statement of the transactions therein proposed which, insofar as they differ substantially from those proposed in the original plan of recapitalization filed April 7, 1945, may be summarized as follows:

1. By amendment to its articles of incorporation, the authorized capital stock of Seattle of which there are presently outstanding 47,105 shares of $5 first preferred stock, 27,338 shares of second preferred stock and 23,739 shares of common stock will be reclassified into 500,000 shares of new common stock, par value $20 per share, or an aggregate par value of $10,000,000.

2. Of the 500,000 shares of new common stock to be authorized, 262,812 shares will be distributed to the holders of the presently outstanding capital stock of Seattle as follows:

(a) 5½ shares of new common stock for each share of $5 first preferred stock and all accumulated and unpaid dividends thereon. The holders of the $5 first preferred stock will receive a total of 259,078 shares of new common stock having an aggregate par value of $5,181,560;

(b) 1/10th of a share of new common stock for each share of second preferred stock and all accumulated and unpaid dividends thereon. The holders of the second preferred stock will receive a total of 2,734 shares of new common stock having an aggregate par value of $54,680;

(c) The existing common stock will be cancelled and no new common stock will be issued therefor.

Accordingly, all of the new common stock to be issued under the amended plan of recapitalization will be allocated to the holders of the presently outstanding $5 first preferred stock and second preferred stock in the proportions of approximately 98.96% and 1.04%, respectively. Scrip certificates will be issued for fractional interests in the new com-

mon shares and will be exchangeable for full shares of new common stock within two years from the first day of the month in which the amendment to the articles of incorporation of Seattle shall become effective. The amended plan further provides that after the expiration of such two-year period, the shares of new common stock reserved for issuance in exchange for scrip certificates will be sold by the company and for a period of three additional years the holders of such scrip certificates will be entitled to receive their pro rata share of the proceeds of sale, at the end of which period the scrip certificates are to become void for all purposes. In addition, the amended plan provides that the holders of the presently outstanding $5 first preferred stock and second preferred stock who do not surrender their stock certificates in exchange for new common shares (or cash proceeds after the initial two-year period as provided for in the exchange of scrip certificates) to which they are entitled under the amended plan within five years of the first day of the month in which the amendment to the articles of incorporation of Seattle shall become effective, shall not be entitled or permitted thereafter to make such exchange, and the shares of the existing $5 first preferred stock and second prefered stock then held by such holders shall become void for all purposes.

3. It is also provided in the amended plan that the capital surplus of the company which will be created by the consummation of the amended plan will not be applied by the company to the payment of dividends upon shares of its new capital stock and that earned surplus appearing on the balance sheet of the company after consummation of the amended plan will be dated to indicate that such earned surplus has been earned subsequent to the consummation of the amended plan.

4. The applicant company has stated that it does not propose to hold a stockholders' meeting for the purpose of electing directors prior to the annual meeting to be held for the purpose of electing directors in May 1947, for the reason that a majority of the present board of directors have been elected by the holders of the presently outstanding $5 preferred stock.

5. The amended plan further provides that all reasonable fees and expenses incurred in connection with the recapitalizatiton of Seattle will be paid by the company subject to the approval of the Commission.

6. The application states that the amended plan was filed in order to remedy the existing inequitable distribution of the voting power so as to enable the applicant to meet the requirements of section 11 (b) (2) of the act for effectuating a fair and equitable distribution of the voting power among the holders of its securities. The applicant does not propose to solicit the consent of any of its security holders to the amended plan of recapitalization.

The applicant requests that the Commission find the amended plan to be necessary to effectuate the provisions of section 11 (b) of said act and to be fair and equitable to the persons affected thereby, issue an order approving the plan, and apply to an appropriate United States District Court to enforce and carry out the terms and provisions of said amended plan.

It appearing to the Commission that the hearing should be reconvened for the purpose of considering said amended plan in the light of such of the issues designated or specified in the Commission's order of April 13, 1945 as are applicable to said amended plan; and

It further appearing that the trial examiner heretofore designated to preside at the consolidated hearing is unable to preside at the time hereinafter mentioned and that a new trial examiner should be designated at the consolidated hearing herein:

It is ordered, That the record herein be reopened and that the hearing herein be reconvened before the trial examiner hereinafter designated at 10:00 a. m., on the 20th day of May 1946, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as the hearing room clerk in room 318 will at that time designate. All persons who have not heretofore entered their appearances in these consolidated proceedings and desiring to be heard or otherwise wishing to participate, should file with the Commission, on or before May 17, 1946, a written request relative thereto as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated by it for that purpose, be and he is hereby designated to preside at such reconvened hearing in lieu of the trial examiner heretofore designated to preside at the hearing "In the Matter of Seattle Gas Company, File No. 54-124, File No. 59-79, File No. 70-1197", and the said Allen MacCullen is hereby granted all the powers heretofore granted to the trial examiner heretofore designated.

It is further ordered, That notice of this hearing be given by the Secretary of the Commission to Seattle Gas Company, Portland Electric Power Company, Portland General Electric Company, the Department of Public Utilities of the State of Washington and the Mayor of Seattle, Washington, by mailing a copy of this notice and order forthwith by registered mail, and that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Seattle Gas Company mail a copy of the amended plan of recapitalization and notice of the date that the hearing in this matter is to be reconvened at least twenty days prior to the time of such hearing to each of its stockholders at his last known address.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-7011; Filed, Apr. 26, 1946; 9:41 a. m.]

[File No. 70-1038]

ST. JOSEPH LIGHT & POWER CO.

SUPPLEMENTAL ORDER GRANTING AMENDED APPLICATION

At a regular session of the Securities and Exchange Commission held in its office in the City of Philadelphia, Pa., on the 24th day of April A. D. 1946.

St. Joseph Light & Power Company ("St. Joseph"), a subsidiary of Continental Gas & Electric Corporation, a registered holding company which, in turn, is a subsidiary of The United Light and Railways Company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the exemption from the provisions of sections 6 (a) and 7 of the act of the issue and sale pursuant to the competitive bidding requirements of Rule U-50 of $3,750,000 principal amount of First Mortgage Bonds, ------% Series due 1976;

The Commission having by order dated April 11, 1946 granted said application, as amended, subject to the condition that said issue and sale shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, jurisdiction having been reserved for this purpose;

St. Joseph having on April 24, 1946 filed a further amendment to said application setting forth the action taken to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids, bids for said $3,750,000 principal amount of First Mortgage Bonds, --% Series due 1976 were received as follows:

Bidder	Price to St. Joseph (Percentage of Principal Amount) [1]	Coupon Rate	Annual Cost to St. Joseph
	Percent	*Percent*	*Percent*
Blyth & Co., Inc.	102.11	2⅝	2.524
White, Weld & Co.	102.03	2⅝	2.528
Salomon Bros & Hutzler	101.23	2⅝	2.566
Harris, Hall & Co. (Inc.)	100.31	2⅝	2.610
Halsey, Stuart & Co., Inc.	100.03	2⅝	2.624

[1] Plus accrued interest from Apr. 1, 1946.

Said amendment further stating that St. Joseph has accepted the bid of Blyth & Co., Inc. for said First Mortgage Bonds as set forth above and that said bonds will be reoffered for sale to the public at a price of 102.63% of the principal amount thereof plus accrued interest, resulting in an underwriter's spread equal to 0.52% of the principal amount of the bonds; St. Joseph having further amended the application to provide that such First Mortgage Bonds, due 1976, will be redeemable at the scale of redemption prices set forth in such amendment; and

The Commission having examined the record in the light of said amendment and exhibits and finding no reason

for imposing terms and conditions with respect to the price to be paid to the company for the bonds, the redemption prices therefor, the interest rate thereon, and the underwriter's spread and its allocation:

It is ordered, That said application, as further amended, be and the same hereby is, granted subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-7008; Filed, Apr 26, 1946; 9:41 a. m.]

[File No. 70-1242]

ILLINOIS POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of April 1946.

Illinois Power Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said act regarding the issue and sale, by competitive bidding pursuant to the requirements of Rule U-50, of $45,000,000 principal amount of First Mortgage Bonds, --% Series due 1976, and of $9,000,000 principal amount of Sinking Fund Debentures, --% due 1966; and

A public hearing having been held, after appropriate notice, upon said application, and the Commission having considered the record and having made and filed its findings and opinion herein, in which, for reasons therein set forth, said application filed pursuant to section 6 (b) was considered as a declaration pursuant to section 7;

It is ordered, That the said declaration with respect to the issue and sale of the above-described bonds and debentures be and the same is hereby permitted to become effective, subject to the terms and conditions prescribed by Rule U-24 and subject also to the following terms and conditions:

1. That the issue and sale of the said bonds and debentures shall not be consummated until the results of the competitive bidding, pursuant to Rule U-50, shall have been supplied by amendment and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate; jurisdiction is hereby reserved for the entry of such further order and for the imposition of such further terms and conditions; and

2. Jurisdiction is reserved to pass upon the accounting entries made by Illinois Power Company in connection with the loss resulting from the sale of certain interests in and property of Illinois Terminal Railroad Company, including entries relating to Paid-In Surplus and Depreciation accounts of Illinois Power Company; and

3. Jurisdiction is reserved over legal and auditing fees and expenses proposed to be paid in connection with the proposed security issues.

It is further ordered, That the ten-day period for inviting bids for the sale of the aforesaid securities, as provided in Rule U-50, be and the same is hereby shortened to a period of not less than seven days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-7009; Filed, Apr. 26, 1946; 9:41 a. m.]

[File No. 70-1243]

UNITED GAS IMPROVEMENT CO. AND HARRISBURG GAS CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of April 1946.

The United Gas Improvement Company (UGI), a registered holding company, and its subsidiary, The Harrisburg Gas Company (Harrisburg), a public utility company, having filed a joint application-declaration, with amendments thereto, under the Public Utility Holding Company Act of 1935 with respect to, among other things, the issue and sale by Harrisburg, pursuant to the competitive bidding provisions of Rule U-50, of $2,200,000 principal amount of First Mortgage Bonds to mature in 1971; and

The Commission having, by order dated April 11, 1946, granted said application and permitted said declaration to become effective, except as to the price to be paid for said bonds, the redemption prices thereof, the interest rate thereon and the underwriters' spread and its allocation, as to which matters jurisdiction was reserved; and

Harrisburg, having filed a further amendment to the application-declaration, in which it is stated that in accordance with the permission granted by the said order of the Commission dated April 11, 1946, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Price to company	Interest rate	Cost to company
		Percent	
White, Weld & Co.	102.03	2⅜	2.515
Blyth & Co., Inc.	101.71	2⅜	2.532
Kidder, Peabody & Co.	101.6199	2⅜	2.537
Mellon Securities Corp.	101.5199	2⅜	2.542
Shields & Co.	101.51	2⅜	2.543
Harris, Hall & Co. (Inc.)	101.055	2⅜	2.568
Halsey, Stuart & Co., Inc.	100.079	2⅜	2.621

The said amendment having further stated that Harrisburg has accepted the bid of White, Weld & Co. for the bonds, as set out above, and that the bonds will be offered for sale to the public at a price of 102.689, resulting in an underwriters' spread of .659;

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds, the redemption prices thereof, the interest rate thereon, and the underwriters' spread and its allocation;

It is ordered, That the jurisdiction heretofore reserved over the price to be paid for said bonds, the redemption prices thereof, the interest rate thereon, and the underwriters' spread and its allocation, be, and the same hereby is, released and said application and declaration be, and the same hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL D. DUBOIS, *Secretary.*

[F. R. Doc. 46-7010; Filed, Apr. 26, 1946; 9:41 a. m.]